

Testing Accommodations: The Perils of the “Approve Everything” Model

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INTRODUCTION

Some organizations in the high-stakes testing industry believe that the safest approach to handling requests for testing accommodations is to approve everything and anything. While this approach may—at least on the surface—appear to reduce legal risk and be “customer friendly,” other risks may be increased, including test security risks, test validity risks, and operational risks. These other risks—broadly characterized as “business risks”—may themselves increase legal risk and result in customer service difficulties.

The metaphoric pendulum of disability accommodations has swung back and forth over the years, sometimes alternating between a rigorous approach and, at the other extreme, an “approve everything” approach. The rigorous approach has resulted in high-profile legal actions involving test sponsors (Department of Fair Employment and housing v. Law School Admission Council, Inc., 2014; National Federation of the Blind, 2011). At the other extreme, test sponsors, using the “approve everything” approach, have been very permissive in granting accommodations and have seen the predictive value of their credentials weakened (Julian, 2005; Searcy, Dowd, Hughes, Baldwin, & Pigg, 2015), a rise in cases of faking disabilities (Mitchell, 2012; Randazzo, 2012; Tapper, Morris, & Setrakian, 2006), and cheating (Zimmermann, Klusmann, & Hampe, 2016).

This article will outline the range of business risks associated with the “approve everything” approach to test accommodations and will demonstrate the potential pitfalls of this approach. Concrete examples will be offered to illustrate points. The authors will emphasize the importance of taking a balanced and thoughtful approach to evaluating test accommodations requests, one that both ensures equal access for candidates

with disabilities while also taking into account test security, integrity, validity, and operational considerations. Appropriate accommodations must be uniquely tailored to the individual, the task, and the setting. This paper will not focus how to handle particular types of accommodations requests.

THE GOALS OF ACCOMMODATIONS

Leveling the Playing Field

Disability advocates assert that accommodations level the playing field for individuals with disabilities. The idea is that accommodations do not give anyone an advantage but make it possible for people with disabilities to compete fairly (Sireci, Scarpati, & Shuhong, 2005).

Many schools and colleges are committed to accommodating students in order to facilitate their performance. Understandably, they want their students to succeed. Further, prospective students and others look carefully at retention rates, graduation rates, and general measures of student satisfaction (e.g., Best Colleges, 2019). This stance may motivate colleges to provide accommodations to virtually anyone who requests them or to provide a level of accommodation designed to allow students to optimize their performance rather than simply access the curriculum. However, it remains unclear whether these schools and colleges are creating a level playing field or are conferring an advantage to some students, given the possibility that those students, perhaps under pressure to perform, may attempt to gain an advantage by claiming a disability where none exists.

On the other hand, some schools are questioning the fairness of providing almost anyone with accommodations, regardless of an established disability-related need. In

fact, there is concern that only economically advantaged students will be able to take advantage of disability accommodations, as they are more able to afford the necessary supporting documentation and possibly even shop around until they find a professional willing to write the type of documentation they desire (Lerner, 2004). This phenomenon may negatively impact minority students especially (Gordon, 2017). Thus, while the goal of leveling the playing field makes sense in theory, the reality is that some may be gaining an unfair advantage.

Ensuring Access (Which Is Different from Success)

Many schools and colleges are motivated to help their students achieve success, but organizations that publish high-stakes tests have different motivations—protecting the integrity and validity of the standardized testing process, while also ensuring equal access for testing candidates with disabilities. Typically, testing organizations seek to provide disability-related accommodations only to those who can demonstrate a need for accommodations in order to ensure equal access. *Access*—not success—is the issue at hand.

The transition away from a school setting that has provided an abundance of support to a high-stakes testing situation may be difficult for some students. Students who have been accustomed to having significant accommodations and other resources available to them may feel distressed when a licensing board or graduate admissions exam organization refuses to provide such extensive assistance. The Americans with Disabilities Act as Amended (2008) was intended to ensure that individuals with disabilities are not discriminated against (ADA National Network, 2019) and to provide equal *access*

to programs and services. The Act was not intended to ensure any particular *outcome*, such as “being successful,” “passing the test,” “reaching my fullest potential,” or “getting into my desired law school.”

The difference between striving for success versus ensuring *access* is key, and it is this difference that can lead to confusion and consternation. Some accommodations requests are clearly designed to achieve a specific outcome (other than access). Anecdotally, individuals in the high-stakes testing industry and some universities assert that there has been a rise in the number of requests for excessive accommodations that have the potential to alter the proverbial playing field altogether. For example, asking for unlimited time on a timed licensure exam does not serve to level the playing field; it serves to change the playing field completely, by guaranteeing a specific outcome (finishing the test) that is not guaranteed for any other licensure candidate. A version of this request was seen on the Medical College Admissions Test, where an examinee sued the organization who denied his request for “11 times standard time” (Rumbin v American Medical Colleges, 2011). In another example, a licensure candidate requested to have the three-tests-per-year limit waived so she could take the test as many times as needed in order to pass. Clearly, these requested accommodations would result in an altered playing field, as opposed to a level playing field, as the purpose of the requested accommodation would be to increase the candidate’s chance of obtaining a specific *outcome*.

There is no question that organizations in the testing industry have made significant changes to their approach to evaluating requests for testing accommodations in light of high-profile legal challenges. However, it does not appear likely that the testing industry will adopt the

“approve everything” approach that focuses on student success rather than access.

Ensuring That Accommodations Are Individualized

A belief held by some is that all individuals with learning disabilities, psychological disabilities, and Attention-Deficit/Hyperactivity Disorder (ADHD) need *extra time* on tests, classwork, and other activities of daily living. In our own ongoing research, virtually all accommodations requests—regardless of the nature of the reported disability—included a request for extended testing time. There seems to be an accepted belief that all students and test-takers with disabilities are *slow* and therefore need extra time. Some, but not all, individuals with disabilities will need extra time for certain activities.

Another frequently held idea is that accommodations will always be needed because “once LD, always LD.” While it is true that some disabilities are the result of lifelong conditions, this does not necessarily mean that all people with disabilities will always need accommodations. For example, a child with a reading disorder diagnosed in third grade—with appropriate intervention—may progress to the point where accommodations are no longer needed (see Wolf and Berninger, 2015, for an extended discussion of this topic). Likewise, the fact that a particular accommodation was appropriate in elementary school—in order to foster student success—does not automatically mean that the same accommodation will always be appropriate, in every situation, for the rest of the person’s life. We believe that accommodations should be individualized for the person, the task, and the setting. This cannot be accomplished by using an “approve everything” approach.

Testing organizations sometimes see requests for accommodations that may be

appropriate in one setting—such as an elementary school classroom—but may no longer be appropriate for an adult in a high-stakes testing setting. For example, the following accommodations have been requested for adults taking high-stakes tests:

- “Preferential seating (close to the teacher)”
- “Check for understanding”
- “Provide praise and encouragement”
- “Provide clarification”
- “Allow her to finish the test after school”

Further, accommodations that might be appropriate in a written test setting may not be appropriate in another setting, such as a clinical or vocational setting. Many testing organizations administer high-stakes tests that include not only a written exam but also a clinical skills or “performance” exam. Both must be passed to be certified, licensed, or otherwise credentialed. For example, many test sponsors in the healthcare fields and construction trades require passing a practical or performance exam. Usually a test sponsor has carefully developed its performance-based exam to simulate common job functions, often after an extensive and lengthy *job analysis*. Sometimes, candidates who have been approved for an accommodation, such as extended time on a written test, may request the same accommodation on a functional, job-based performance exam. For example, the following accommodations requests have been received:

- 50% extra time for the clinical skills portion of the Certified Nurse

Assistant exam in order to have more time to check a patient's vital signs

- Double time for a barber exam candidate to do a haircut
- Use of an "assistant" for a cosmetology practical skills exam (the candidate instructs the assistant as to how to color, cut, and style a customer's hair)

While some accommodations such as extra time or a human assistant such as a reader may be appropriate on written exams, they may not be appropriate on practical skills exams that measure the skills needed for job performance. These considerations are important when reviewing these accommodations requests, to ensure that the accommodations are tailored to the specific task at hand and for the specific setting. By using an "approve everything" approach to evaluating accommodations requests, testing organizations will not be able to work with candidates with disabilities to individualize accommodations that are appropriate to the task and the setting.

THE CHALLENGES FOR TEST SPONSORS WHEN REVIEWING ACCOMMODATIONS REQUESTS

Engaging with Candidates in an Interactive Process

It is incumbent upon testing organizations to engage in an *interactive process* with candidates to ensure that they have equal access to the test. Likewise, candidates with disabilities have a duty to engage with test sponsors in this interactive process, and failure to do so can have unfortunate results (Brown v. Milwaukee Board of School Directors, 2017). This interactive process

can resolve questions and concerns that both parties may have and can bring about an amicable resolution without legal intervention.

Not every accommodation request *can* be approved as requested. For example, a person with a visual impairment might request use of a screen magnification software program that is not currently compatible with the test-delivery company's platform. Further analysis would be needed before approving an accommodation that would ensure both equal access to the exam and the correct rendering of the exam.

There is no question that the dramatic rise in assistive technology has been a great benefit to individuals with disabilities (Enable Ireland, 2016). The rise in the everyday use of assistive technology has naturally led to a rise in requests for this technology when taking high-stakes exams. Unfortunately, technical difficulties may arise that require further analysis by the testing organization. In such situations, instead of "approving everything" requested, a testing organization may engage in an interactive dialogue with candidates. Through this interactive process, the testing organization may provide additional information about the nature of the exam and its delivery, discuss how the assistive technology would be incorporated into the exam, the timeline for delivery, and other possible options that the candidates may not have considered. This interactive process thus increases the likelihood that candidates with disabilities and testing organizations will be able to determine a mutually agreeable solution.

Ensuring a Valid Exam

Testing organizations must simultaneously balance both the fairness goal of providing equal access to their test for candidates with disabilities and the measurement goal of

eliciting valid test scores that can be accurately interpreted (Phillips, 2004). From the perspective of score validity, the goal of testing accommodations is to reduce the dependence of test scores on factors that are irrelevant to the construct that is being assessed. For candidates with disabilities, this means that the accommodation should eliminate some particular impediment faced by the examinee by virtue of their disability, so that the accommodated administration of the exam is statistically equivalent to a standard administration of that test in all other respects. In other words, the candidate with the disability should receive an accommodation that ensures equal access to the test, and the test should measure what it purports to measure.

As Shepard et al. (1998) explained, if accommodations are working as intended, there should be an *interaction* between disability status (with disabilities or without disabilities) and accommodation conditions (accommodated or unaccommodated). The accommodation should differentially improve the average score of test-takers with disabilities for whom the accommodations were designed but should have little or no effect on the average scores for the others (test-takers without disabilities). If an accommodation improves the performance of *both* groups, then offering it only to certain individuals (those who report a disability) is inherently unfair (also see Abrams, 2005, and Lewandowski, Cohen, & Lovett, 2013).

In a study of SAT takers reporting learning disabilities, researchers found that “the data most clearly suggested that providing longer amounts of time may raise scores beyond the level appropriate to compensate for the disability” (Willingham, Ragosta, Bennett, Braun, Rock, & Powers, 1988). These students’ subsequent college grades were lower than their test scores

would predict, and the greater the extended time, the greater was this discrepancy. Thus, the *predictive validity*—the usefulness of the test scores to colleges—was undermined. By contrast, the college performance of these students with disabilities was consistent with their high school grades, which suggests that their SAT scores were inflated by the approval of excessive time extensions. Similar conclusions have been obtained in more recent studies (Cahalan, Mandinach, & Camara, 2002; Searcy et al., 2015; Wightman, 1993).

Granting a significant number of overly generous accommodations requests could have the effect of further undermining the validity of standardized tests, rendering the resulting scores of minimal value to future institutions or employers who rely on such scores in the process of making admissions, hiring, or competency determinations (see Julian, 2005). By taking an “approve everything” approach to accommodations requests, testing organizations could potentially undermine the validity and usefulness of their own test results.

From a psychometric perspective, *any* modification to the standardized test or its delivery will result in scores that may not be equivalent to or have the same meaning as scores earned under standard conditions. Nevertheless, it may be that some accommodations can reasonably be said to *approximate* a valid test administration, by counteracting the negative testing effects of an individual’s disability. For example, a person with a Specific Learning Disorder (SLD) may have slow processing speed, leading to slow reading rate and slow rate of comprehension. Based on that person’s modestly below-average performance on standardized measures of processing speed and timed reading comprehension, it might be reasonable to permit her to have 25% or

50% extra time on a timed test that is reading-based. The intended net effect is to level the playing field so that, with this additional time, the test is *as speeded* for the candidate with SLD as it is for non-disabled candidates. In contrast, if this candidate were permitted double or triple standard time (as is sometimes requested), the test would essentially be untimed for this candidate but still timed for everyone else, thus undermining the validity and usefulness of the scores. As discussed above, the purpose of accommodations is to allow for an equal opportunity to participate, *not* to ensure a particular outcome (e.g., finishing the test, earning a certain score).

Considering the Use of Extra Time

In the United States, unlike in some other countries, 50% and 100% extra time on tests are the typical amounts applied to most accommodation situations, regardless of a specific demonstrated need or justification for those levels of extra time. In our own ongoing study of accommodations requests by individuals reporting ADHD, 97% (of the nearly 600 subjects studied to date) asked for extended testing time; only a small number requested an alternative such as extra breaks or a distraction-reduced testing room (or both).

We note that many high-stakes exams are quite lengthy—often, four to eight hours in duration for a standard administration. It is unclear whether candidates who are approved for very significant time-extensions are actually *using* this amount of extra time. Some studies have even found that extra time is actually detrimental to students with ADHD (Lovett & Leja, 2015; Pariseau, Fabiano, Massetti, Hart, & Pelham, 2010). Several researchers have found that less than 25% extra time was sufficient to level the playing field for test-takers with learning disabilities (Cahalan,

Mandinach, & Camara, 2002; Lewandowski et al., 2013). In our own (unpublished) study of nearly 400 test-takers with learning disabilities and ADHD who took a high school equivalency exam, we found that candidates who were approved for 25%, 50%, or 100% extra time on average only *used* **5.1%** extra time. This may be because many test-takers did not need the full amount of time allowed, meaning that the test was not designed to be speeded. Similarly, Spenceley and Wheeler (2016) found that accommodated students with disabilities almost never used more than regular time. These findings make sense, given that many individuals who request accommodations also claim that their attention tends to wane over time.

We also have seen an increase in accommodation requests that appear to *fundamentally alter* the test's construct or purpose. Such fundamental alteration is not legally mandated and would likely render the resulting scores invalid. The following are actual examples:

- Asking a human reader to “explain” test questions
- Creating a new (non-standardized, non-equated, non-field-tested) form of the test
- Using a calculator for calculation items; using a reader for a test of reading skills
- Using notes/study guides/definitions/dictionaries
- Waiving items, item-types, or whole sections
- Altering the content itself; reducing the number of items; changing the

questions; oral instead of written essay, multiple choice instead of essay; using a class grade in lieu of a test score

- Reorganizing the content (“easier items first,” “multiple choice prior to essay,” “save math items for last”)
- Changing the cut-off score or passing score
- Other non-standard timing modifications such as taking the test in 30-minute increments over a period of weeks

While some of these modifications could be appropriate in some academic settings, these would usually not be appropriate on a standardized exam. By taking an “approve everything” approach to making accommodations decisions and not considering test validity, a testing organization is abdicating its responsibilities to the users of its scores and is in effect undermining its own test, which ultimately hurts all candidates including those with disabilities. It is important, albeit complicated, to balance the need to provide equal access to people with disabilities with the need to provide customers with valid, meaningful scores.

THE CHALLENGES FOR TEST-DELIVERY SPONSORS

Protecting Resources for Individuals with Disabilities

Anecdotally, test sponsors have reported a rise in the number of accommodation requests, especially in the last several years. In a research study in progress, several of the authors of this article looked at accommodation requests from five licensure

and certification organizations, and found that accommodation requests based on a diagnosis of ADHD accounted for about 40% of all requests. Some test sponsors reported that nearly *all* their accommodation requests were based on this diagnosis. Test sponsors and test-delivery vendors must distinguish between which candidates truly need accommodations to ensure disability-related access, and those candidates who have relatively minor conditions that would not meet the legal standard.

Furthermore, sometimes there is an unfounded assumption by professionals who submit documentation that a *diagnosis* of a condition is the same thing as a *disability*. In fact, conditions such as acid reflux disease, astigmatism, dyslexia, and high blood pressure have high prevalence rates in the population, yet not all of those affected by these conditions could be considered disabled. Some individuals with a diagnosed condition have a disability, and others do not. In order to have a *disability* under the Americans with Disabilities Act as Amended (ADA), a person must be substantially limited in a major life activity (see <https://adadata.org/learn-about-ada>). Not every diagnosed condition will rise to the level of a disability. In our current research study looking at accommodations requests from individuals who report ADHD, nearly all failed to report a significant impact of their ADHD in two or more functional domains, as required by the DSM-5 (American Psychiatric Association, 2017). More than 90% reported no history of accommodations on previous high-stakes exams, and despite the fact that most subjects were employed, only 4% reported that they needed accommodations at work. In sum, very few individuals requesting accommodations for ADHD actually provide documentation of any functional impact

that would be *substantially limiting*, as per the ADA. While testing organizations usually do not debate the veracity of the diagnosis, the question of whether it rises to the level of a disability is quite relevant.

Testing organizations are motivated to prevent individuals who do not have disabilities from diverting the organization's time and resources away from individuals who have disabilities and truly need these resources. For example, there are a limited number of *private rooms* available at any given testing facility. Yet, private rooms often are requested, particularly by individuals with an ADHD diagnosis.

Many test centers that deliver high-stakes exams have at most one or possibly two "private rooms," dedicated to testing candidates who have needs resulting from a disability that cannot be accommodated in the main testing room. For example, a person with a medical condition that requires the assistance of a personal attendant at all times would be approved for a private room to assure privacy for the candidate. Likewise, if an individual who is blind is approved for screen-reading software to read the test content aloud, the individual would be approved for a private room. Note that in both examples, the use of a private room also avoids disruption to other test takers.

The limited-resource issue intensifies when a test candidate with a bona fide disability requests a private room and none is available—perhaps for weeks or even months, or only at a location much further away—because the private rooms at test centers in the area are being allocated to candidates who have questionable need. While some universities may have an essentially unlimited number of private locations for students taking tests, this is not the case when delivering high-stakes

exams that must be administered in a carefully controlled, standardized setting.

Private rooms are not the only example of the negative impact of overly broad, accommodation-granting practices. The following are other examples:

- Closing a test center for all but one candidate, so she can test with the building's temperature or lighting adjusted to her preferred setting (e.g., no fluorescent lighting, no incandescent lighting, minimum temperature of 80°F)
- Turning off power, WIFI, or other utilities to the test center or the whole building
- Prohibiting perfume/cologne from all building occupants (including other candidates and staff), and/or asking that the test center be closed except for the candidate who has a perfume sensitivity

If testing organizations took the "approve everything" approach to granting accommodations—regardless of a demonstrated need—then these resources might not be available when truly needed. While it is important that test sponsors and test-delivery providers have sufficient resources to accommodate test-takers with bona fide disabilities, no organization has unlimited resources. Testing organizations are likely to continue to strive to protect such resources for those candidates with disabilities who qualify for and need such resources.

Ensuring Test Integrity and Test Security

Some requests for accommodations could pose serious test integrity and security

challenges—both in terms of enabling cheating (Strauss, 2016) as well as “item-harvesting” (Bowie, 2015; Dudley, 2016). Most high-stakes exams that are published by national or multinational test sponsors have taken years to develop, standardize, and field-test, with costs often running into the millions of dollars. Protecting the security and integrity of the test and the testing process is critical to the viability of the testing business. If a testing organization follows the “approve everything” approach to test accommodations, an unintended consequence may be the undermining of the integrity and security of its own exam.

Below is a list of actual requested accommodations that are almost always requested for comfort or familiarity reasons rather than genuine access needs, and that pose significant concerns for the test integrity or security of the test or the testing process:

- Using candidate’s own laptop
- Using candidate’s own software or plug-n-play device
- Using candidate’s family member as reader [potential for cheating]
- Using candidate’s own familiar reader [potential for cheating]
- Turning off audio/video monitoring equipment in the test center
- Bringing a smartphone into the test room
- Accessing locker supplies during testing
- Using a huge monitor that other candidates could potentially see
- Papering over the windows so the proctor cannot monitor the candidate
- Bringing in one’s own dictionary, scrap paper, or other paper product

In particular, an increasingly common accommodations request is to take the test on one’s personal laptop, rather than on a dedicated workstation or device that has been secured for this process. This is almost never due to an access need but is almost always for “convenience,” “familiarity,” or “comfort.” In addition to the operational challenges of delivering a test on a person’s own device instead of a workstation that is connected to (and configured for) the delivery vendor’s network, there are security concerns, as that candidate might have an opportunity to save content to the laptop, transmit content, or access the Internet for the purpose of cheating. As security technology and remote proctoring solutions continue to evolve, testing on one’s own laptop may be an option for use with some types of accessibility technology, but for now this is more of a “one-off,” highly customized solution.

Candidates with disabilities should have equal access to tests. At the same time, concerns arise with requests for accommodations that could seriously compromise the integrity and security of the tests. As noted above, if a testing organization follows the “approve everything” approach to reviewing requests for test accommodations, an unintended consequence may be the undermining of the integrity and security of its own test.

Considering the Operational Impacts

There are a multitude of operational concerns that need to be considered to ensure that the accommodations are feasible, do not pose health or safety risks, and do not disrupt other candidates or normal test center operations. These implementation challenges will be more numerous and more significant if test sponsors apply the “approve everything” approach to test accommodations, without considering the operational implications.

Below is a list of actual accommodations requests that would have been difficult to implement because they would require test center staff to perform duties outside their scope of work and would take them away from their normal duties:

- Monitoring candidates outside test center confines, for example, during an unscheduled restroom break, in nursing mothers’ room
- Moving bariatric chair to/from candidate’s car in parking lot
- Escorting candidate to a hotel across the street so she can express breast milk in a comfortable, private setting
- Asking proctor to administer the test at someone’s home or other location, such as a prison or hospital
- Driving candidate to/from test center

Another operational challenge is the approval of accommodations that could pose health, safety, or liability risks to candidates, test center staff, or the testing organization. Below is a list of accommodations that may pose such risks:

- Asking proctor to administer medication such as an injection
- Asking proctor to perform personal hygiene duties for a candidate
- Asking proctor to help secure (or monitor) a person who is in prison or a mental health facility
- Having proctor clean up bodily fluids
- Asking proctor to dispose of used needles
- Asking proctor to wake up sleeping candidate (some people may react badly if startled)
- Asking test center staff or maintenance staff to carry candidate up/down stairs (e.g., someone on crutches, a wheelchair rider—potential liability)
- Assisting candidate getting from car to test center (e.g., push wheelchair)

Yet another challenge for test centers is the implementation of accommodations that would likely disrupt other candidates or would disrupt the normal operations of the center, such as the following:

- Disruption to other candidates:
 - Alarm clock to awaken a candidate who is prone to falling asleep
 - Warning alerts on medical equipment
 - Using a spit cup for a documented saliva production disorder

- Disruption to normal business operations:
 - Testing beyond normal business hours
 - Disinfecting the whole building (the test center may occupy only a portion of the building)
 - Allowing comfort or emotional support animals (not service animals)
- The private room cannot be sound-proofed.
- Candidate wants a test center closer to home, but there is not one.
- The candidate’s preferred technology/device cannot be delivered to another country due to customs regulations.

Another set of operational challenges posed by some accommodations falls into the broad category of “the test center can’t do it”—that is, the request is just not feasible, at least not without some compromise and/or collaboration with the candidate:

- A candidate’s assistive technology or device could damage or infect the delivery system.
- The test center’s physical structure isn’t set up for it (there is not a designated “nursing mother room”).
- The private room is not large enough (e.g., a person’s mobility scooter cannot maneuver within the private room).
- A doorway isn’t wide enough, even though it meets building code (e.g., a person’s mobility scooter cannot fit through a doorway).
- The outside window of the test room cannot be removed (e.g., to reduce glare or ambient light).
- The overhead lighting cannot be changed from fluorescent to incandescent.

By employing the “approve everything” model without careful consideration of the potential operational challenges, a test sponsor may be *increasing* legal risk, not reducing it, and may be creating additional hurdles and delays for candidates with disabilities. Instead, through collaboration with candidates with disabilities and engaging in an interactive process to more clearly understand their access needs, practical solutions can be devised that simultaneously meet the candidates’ access needs and are also feasible to implement.

CONCLUSIONS

On the surface, the “approve everything” approach to test accommodations seems safe and simple. If you give candidates everything they want, they won’t complain, so legal risk should be reduced and there will be fewer complaints. However, as indicated above, the “approve everything” approach is not safe, simple, or risk-free.

Having a balanced and thorough approach to reviewing accommodations requests is complicated, may take time, and will require that all parties—test-sponsor staff, test-delivery vendors, and candidates with disabilities—be willing to collaborate in an interactive process. Not everyone will be pleased with the outcome.

Testing organizations, in order to implement a balanced and thorough

approach to reviewing accommodation requests, will need to budget for expertise in disabilities, assistive technology, test security, psychometrics, test publishing, and other professional areas either through employees on staff or with contracted experts. Nevertheless, in comparison with the “approve everything” approach, this balanced and more thoughtful, practical, collaborative approach may be less risky for testing organizations, more efficient overall, and ultimately more satisfying to candidates with disabilities.

TERMINOLOGY

Accommodations. Otherwise known in some countries as “reasonable adjustments.” Accommodations are meant to enhance access for a person with a disability. Accommodations are not meant to ensure any particular outcome (finishing a test, earning a particular score, or “reaching one’s full potential”).

Assistive technology. Any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities.

Disability. The Americans with Disabilities Act (ADA) defines a person with a *disability* as a person who has a physical or mental impairment that substantially limits one or more major life activities. Similarly, the UK’s Equality Act (2010) defines disability as a physical or mental impairment that has a “substantial” and “long-term” negative effect on the ability to do normal daily activities. Other Western countries have similar legal definitions. Courts and the U.S. Department of Justice have indicated that

the “substantial limitation” be with respect to a person’s *abilities relative to most people in the general population—not* relative to one’s own IQ or educational cohort.

High-stakes. A test that is likely to have significant implications for a person’s future educational (e.g., entrance to graduate school) or vocational progress (e.g., certification or licensure).

Standardized Test. Most high-stakes tests are standardized. Standardized tests have a straightforward set of criteria for delivery that must be followed in order to render *valid* scores. These criteria dictate the way that the test is administered as well as scored, the wording of questions, what responses are acceptable, etc. The goal of standardization is to control all the elements involved in the testing process except for the individual’s responses. The standardization can even extend to instructions about the testing environment, such as where the test should take place and who can be present. (See Sattler, 2008.)

Many tests are also *norm-referenced*. When a standardized test is *normed*, it means that it was initially administered to many individuals, usually thousands. Ideally, this normative group is characteristic of the individuals who ultimately will be taking the test. When looking at results from such a test, there exists a degree of confidence in comparing an individual’s scores to the scores of other test-takers. Thus, it is possible to say how well a person performed relative to their peers.

Test center. A center that administers high-stakes tests in a *standardized environment*. Typically, a small number (<20) of candidates are testing at any given

time, sitting at individual carrels, monitored at all times by a proctor; audio and video monitoring of all candidates and testing activities is also usually used in this setting.

Test sponsor. The organization that owns and sponsors the exam. This may or may not be the organization that creates the content for the exam, or delivers the exam. In any case, test sponsors are always the entity that is responsible for approving (or not) any modifications or accommodations to their test. Test sponsors may enlist expertise from disability consultants, their test-delivery vendor, or other professionals to provide input for these accommodation decisions, but the test sponsor is the only entity that has the responsibility and authority to make modifications to its product.

Test validity. The degree to which a test measures what it claims to measure (Anastasi & Urbina, 1997). Test validity is important because it determines the inferences that can be made based on the test results. In evaluating the validity of a test, several lines of evidence can be considered to support its validity. Three principal types of validity must be considered: content validity, criterion validity, and construct validity. (For further explanation, see Lord & Corsello, 2005; Sattler, 2008.)

REFERENCES

- Abrams, S. J. (2005). Unflagged SATs. *Education Next*, 3 (Summer), 42-44.
- ADA National Network. (October, 2019). What is the Americans with Disabilities Act (ADA)? Retrieved from <https://adata.org/learn-about-ada>
- American Psychiatric Association (2017). *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*. Washington, DC: APA.
- Anastasi, A., & Urbina, S. (1997). *Psychological testing* (7th ed.). Upper Saddle River, NJ: Prentice Hall.
- Best Colleges. (2019). Highest student satisfaction rates. Retrieved from <https://www.bestcolleges.com/features/high-student-satisfaction/>
- Bowie, L. (2015). Students cheated by posting test questions on social media. *Baltimore Sun*. Retrieved from www.baltimoresun.com/news/maryland/bs-md-test-cheating-20150322-story.html
- Brown v. Milwaukee Board of School Directors, 16-1971. (US Court of Appeals, 7th Circuit, 2017).
- Cahalan, C., Mandinach, E., & Camara, W. (2002). *Predictive Validity of SAT I: reasoning test for test-takers with learning disabilities and extended time accommodations*. New York, NY; College Entrance Examination Board.
- Department of Fair Employment and Housing v. Law School Admission Council, Inc., 12-1830-EMC. (US District Court, Northern District of California, 2014).
- Dudley, R. (2016). *Massive breach exposes hundreds of questions for upcoming SAT exams*. Reuters. Retrieved from www.reuters.com/investigates/special-report/college-sat-security/
- Enable Ireland (November, 2016). *Assistive Technology for People with Disabilities and Older People: A Discussion Paper*. Retrieved from <https://www.enableireland.ie/sites/default/files/publication/AT%20Paper%20final%20version.pdf>.
- Gordon, N. (September, 2017). *Race, Poverty, and Interpreting Overrepresentation in Special Education*. Retrieved from <https://www.brookings.edu/research/race-poverty-and-interpreting-overrepresentation-in-special-education/>
- Hosterman, J. (2019). Unpublished study on learning disorders and ADHD.
- Julian, E. (2005). Validity of the Medical College Admission Test for predicting medical school performance. *Academic Medicine*, 80(10), 910-917.
- Lerner, C. (2004). Accommodations for the Learning Disabled: A Level Playing Field or Affirmative Action for Elites? *Vanderbilt Law Review*, Vol. 57, No. 3, pp. 1043-1124.
- Lewandowski, L., Cohen, J., & Lovett, B. (2013). Effects of extended time allotments on reading comprehension performance of college student with and without learning disabilities. *Journal of Psychoeducational Assessment*, 31, 326-336.
- Lord, C., & Corsello, C. (2005). Diagnostic instruments in autistic spectrum disorders. In F. R. Volkmar, R. Paul, A. Klin, & D. Cohen (Eds.), *Handbook of autism and pervasive developmental disorders* (pp. 730-771). Hoboken, NJ: John Wiley.
- Lovett, B., & Leja, A. (2013). ADHD Symptoms and Benefit from Extended Time Testing Accommodations. *Journal of Attention Disorders* 19(2).

- Mitchell, H. (2012). Faking ADHD Gets You into Harvard. *The Daily Beast*, January 25. Retrieved from <http://www.thedailybeast.com/faking-adhd-gets-you-into-harvard>
- National Federation of the Blind (April, 2011). National Federation of the Blind and Law School Admissions Council agree to settlement. Retrieved from <https://www.nfb.org/about-us/press-room/national-federation-blind-and-law-school-admissions-council-agree-settlement>
- Pariseau, M. E., Fabiano, G. A., Massetti, G. M., Hart, K. C., & Pelham, W. E., Jr. (2010). Extended time on academic assignments: Does increased time lead to improved performance for children with attention-deficit/hyperactivity disorder? *School Psychology Quarterly*, 25(4), 236-248.
- Phillips, S. E. (2004). High-stakes testing accommodations: Validity versus disabled rights. *Applied Measurement in Education*, 7 (93-120). Doi:10.1207/s15324818ame0702_1
- Randazzo, S. (December, 2012). Former MoFo Summer Associate Acknowledges Lying to Gain Admittance to California Bar. *The American Lawyer*. Retrieved from www.americanlawyer.com/id=1202580431048
- Rumbin v. AAMC, 3:2008cv00983. (US District Court, District of Connecticut, 2011).
- Sattler, J. M. (2008). *Assessment of children: cognitive foundations* (5th ed.). La Mesa, CA: Jerome M. Sattler, Publisher, Inc.
- Searcy, C., Dowd, K., Hughes, M., Baldwin, S., & Pigg, T. (2015). Association of MCAT scores obtained with standard vs extra administration time with medical school admission, medical student performance, and time to graduation. *JAMA*, 313(22), 2253-2262.
- Shepard, L., Kagan, S. L., & Wurtz, E. (Eds.). (1998). *Principles and recommendations for early childhood assessments*. The National Education Goals Panel. Retrieved from govinfo.library.unt.edu/negp/reports/prinrec.pdf
- Sireci, S., Scarpatti, S., & Shuhong, L. (2005). Test Accommodations for Students with Disabilities: An Analysis of the Interaction Hypothesis. *Review of Educational Research* 75(4) (Winter, 2005), pp. 457-490.
- Spenceley, L. & Wheeler, S. (2016). The Use of Extended Time by College Students with Disabilities. *Journal of Postsecondary Education and Disability*, 29(2), 141-150.
- Strauss, V. (2016) After cheating revelations, ACT Inc. security shakeup is reported. *The Washington Post*. Retrieved from www.washingtonpost.com/news/answer-sheet/wp/2016/08/10/after-cheating-revelations-act-inc-security-shakeup-is-reported/?utm_term=.2e7ca6665785
- Tapper, J., Morris, D., & Setrakian, L. (2006). Does Loophole Give Rich Kids More Time on SAT? Retrieved from <http://abcnews.go.com/Nightline/story?id=1787712&page=1>
- Wightman, L. (1993). *Predictive validity of the LSAT: A national summary of the 1990–1992 correlation studies* (Research Report Number 93-05). Newtown, PA: Law School Admission Council.
- Willingham, W., Ragosta, M., Bennett, R., Braun, H., Rock, D., & Powers, D. (1988). *Testing handicapped people*. Needham, MA: Allyn & Bacon.
- Wolf, B., & Berninger, V. (2015). Specific learning disabilities: Plural, definable, diagnosable, and treatable. *Dyslexia Connections*, March 20, International Dyslexia Association Newsletter for Parents.
- Zimmermann, S., Klusmann, D., & Hampe, W. (2016). *Are Exam Questions Known in Advance? Using Local Dependence to Detect Cheating*. US National Library of Medicine National Institutes of Health. Retrieved from www.ncbi.nlm.nih.gov/pmc/articles/PMC5131967