



National Network

Information, Guidance and Training on
the Americans with Disabilities Act

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Exams and Courses

The Department of Justice (DOJ) has issued revised ADA Title III (private businesses, a.k.a. places of public accommodation) regulations regarding examinations and courses. (§36.309) These regulations took effect March 15, 2011 and affect exams and courses related to applications, licensing, certification, or credentialing for education or for professions and trades. The general rule requires covered entities to:

- Offer exams and courses in a location and manner that is accessible to individuals with disabilities or offer alternative accessible arrangements.
- Administer examinations so that the results accurately reflect the individual's aptitude or achievement level, not the impairment.

The revised regulations affect three areas in particular:

1. Requests for Documentation Must Be “Reasonable and Limited”
 - Requests for proof of disability must be limited to the information necessary to show that the applicant needs the modification, accommodation, or auxiliary aid or service requested.
 - Documentation must come from a qualified professional who has assessed the applicant and explained the need for the accommodation.
 - The type of documentation needed will depend on the nature of the disability and the accommodation requested. Examples include a



recommendation from a qualified professional, a psycho-educational evaluation, a history of a diagnosis, participation in a Special Education program, or a prior accommodation from another standardized testing agency.

- A “qualified professional” is a person who has a license or other credential in the relevant area of expertise. Examples include a doctor; psychologist; nurse; physical, occupational or speech therapist; vocational rehabilitation specialist; school counselor; or licensed mental health professional.
- The qualified professional must evaluate the applicant in person, not just review documents about the applicant.

2. Prior Modifications Received in Similar Situations

- The following documents also can be used as evidence that accommodation is needed:
- Documentation of past modifications that were received in similar testing situations.
- Documentation of modifications that were provided in response to an Individualized Education Plan (IEP) or a Section 504 Plan.

3. Response to Requests for Modifications Must be Timely

- Covered entities (places of public accommodation) must respond to requests for accommodations in a timely manner so that individuals with disabilities have the same level of opportunity and access as individuals without disabilities.

A testing entity that fails to act quickly enough or seeks unnecessary documentation could face legal action for denying equal opportunity or equal treatment in an examination setting.



Content was developed by the Mid-Atlantic ADA Center, and is based on professional consensus of ADA experts and the ADA National Network.



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