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Disclaimer:
Since the need for test accommodations is determined by federal and state laws and legal precedents, IPMA-HR does not have standard procedures to which your agency must adhere. IPMA-HR does not take responsibility for its customers’ human resource selection decisions and cannot dispense legal advice regarding testing. It is the responsibility of the agency to make testing decisions. When doing so, you should consult with your agency’s legal staff. Only your jurisdiction is aware of local regulations and legal precedents, which should dictate your actions.
About IPMA-HR

IPMA-HR was thinking about you 70 years ago. That’s when we started our test development program. The idea was simple: we wanted you (and, obviously your predecessors) to have a standard method of evaluating applicants — weeding out those who just don’t have what it takes to be successful on the job and finding those destined to rise to the top.

Hire & Promote With Confidence

You can hire and promote with confidence knowing you’re using the most reliable, comprehensive and affordable assessment products in the industry. We offer tests and supporting products for the following:

- Police
- Fire
- Emergency Communications Center (ECC)
- Corrections
- Administrative Support

Get A More Complete Picture

Our assessments provide you with a more complete picture of candidates’ potential. You will receive much more valuable information and insight than interviews alone could provide.

Some of the benefits include:

- A faster and more efficient means of identifying the most qualified candidates.
- An unbiased and proven evaluation method.
- A test that is tailored to the job.
- A test that evaluates candidates on the knowledge, skills, abilities, and personal characteristics required to be successful on the job.
- An invaluable tool that simplifies your recruitment, hiring, and promotional processes.

How Our Tests Are Developed

The first thing you should know about our test development process is that it follows very strict professional principles and guidelines set forth by the human resources industry, specifically:

- The American Psychological Association’s Standards for Educational and Psychological Testing.
- The Society for Industrial and Organizational Psychology’s Principles for the Validation and Use of Personnel Selection Procedures.

You can rest assured that every test we develop undergoes a comprehensive and systematic process to ensure its validity. This process relies on two parts: content relevance and criterion relatedness. Learn more at https://on.ipma-hr.org/testdev

We Need Your Expertise

It takes the help of agencies like yours from all over the country to ensure we’re creating tests that are both effective and fair. Your expertise provides us with the essential data we need to continue developing assessment products of the highest standard. In short: we can’t do it without you. Learn about current opportunities at https://on.ipma-hr.org/devops

More Free Publications

A variety of free publications are available to assist you with various parts of your testing process. Find them at https://on.ipma-hr.org/aspdpubs

We also publish the Assessment Services Review online, with updates from the world of public safety, interviews with practitioners and more. Visit us at http://asr.ipma-hr.org
**INTRODUCTION**

The International Public Management Association for Human Resources’ (IPMA-HR) Assessment Services Department frequently receives inquiries for assistance regarding test accommodations. This white paper was designed to provide IPMA-HR test users with information to consider when making accommodations for applicants or employees with special needs.

Since every testing situation is unique, IPMA-HR cannot instruct your agency as to which types of accommodations are appropriate for your situation. Each testing scenario for which accommodations may be necessary should be reviewed on a case-by-case basis. Factors to consider include the type of accommodations being provided, the disability involved, and the type of test being administered. Furthermore, when making decisions regarding test accommodations, it is important to keep an open line of communication between the individual requesting the accommodation and the testing agency. Interactive discussion along with thorough research will greatly assist you in making the appropriate accommodations.

The information contained in this white paper should not be construed as legal advice or opinion. IPMA-HR does not have standard procedures to which your agency must adhere. It is the responsibility of the agency to make decisions regarding test accommodations. When doing so, IPMA-HR strongly recommends that you consult with your agency’s legal staff. Only your jurisdiction is aware of local regulations and legal precedents, which should dictate your agency’s actions.
AMERICANS WITH DISABILITIES ACT

GENERAL INFORMATION

The ADA was first signed into law on July 26, 1990 by President George H.W. Bush and is considered the, “world's first comprehensive civil rights law for individuals with disabilities. The Act prohibits discrimination against people with disabilities in employment (Title I), in public services (Title II), in public accommodations (Title III), and in telecommunications (Title IV). The ADA has been described as the Emancipation Proclamation for the disability community” (Americans with Disabilities Act, 1990, Introduction section).

Under the ADA, employment discrimination is prohibited against qualified individuals with disabilities. This includes applicants for employment and current employees. An individual has a disability if he or she has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such impairment. (Americans with Disabilities Act, 1990)

A qualified individual with a disability is a person who meets legitimate requirements of a job he or she seeks, and who can perform the essential functions of the job with or without reasonable accommodation. Requiring individuals to perform essential functions assists in ensuring that those with disabilities are not disqualified, simply because they cannot perform marginal or incidental job functions. (Americans with Disabilities Act, 1990)

Job descriptions will not be considered conclusive evidence of the essential functions of the job. A thorough job analysis undertaken to determine essential functions and to assist with writing job descriptions can also provide more detailed evidence of essential functions. (Americans with Disabilities Act, 1990)

The ADA is the federal law requiring employers to make reasonable accommodations for employees with disabilities as long as the employee can perform the essential functions of the job, either with or without a reasonable accommodation. (Americans with Disabilities Act, 1990)

REASONABLE ACCOMMODATION

According to the ADA (1990), reasonable accommodation includes any modification to a job or work environment that allows a qualified applicant or employee with a disability to participate in the selection process, to perform the essential functions of a job, or to benefit from the privileges of employment commensurate to those enjoyed by employees without disabilities. For instance, reasonable accommodation may include, but is not limited, to the following:

- Providing or modifying equipment or devices.
- Modifying examinations, training materials, or policies.
- Providing readers and interpreters.
- Making the workplace readily accessible to and usable by people with disabilities.
President George W. Bush signed the ADA Amendments Act into law on September 25, 2008. The amendment was prompted in response to court cases such as Sutton v. United Air lines, Inc., 527 U.S. 471, 482 (1999) and Toyota Motor Manufacturing, Kentucky Inc. v. Williams, 534 U.S. 184 (2002) (ADA Amendments Act, 2008). The major amendments to the ADA are described below:

- Two findings were deleted from the ADA to foster a more generous interpretation and application of the term “disability.”
- Congress clarified its intent for the term “disability” to be interpreted and applied broadly.
- The definition of “major life activity” was expanded to include examples of major life activities and the ability to operate major bodily functions.
- Congress mandated that the term “substantially limits” must be interpreted much more broadly than it was in the Toyota case, which “created an inappropriately high level of limitation necessary to obtain coverage under the ADA.”
- Employers are not permitted to consider the ameliorative effects of medication, assistive technology, or reasonable modifications when determining whether an impairment should be considered a disability.

- Congress clarified that the phrase “regarded as” in the definition of disability does not require individuals to demonstrate that they have, or are perceived to have, an impairment that substantially limits a major life activity.
- The Attorney General has the explicit authority to issue regulations implementing the definition of “disability.”

Effective October 11, 2016, the Amendment of Americans with Disabilities Act Title II and Title III Regulations to Implement ADA Amendments Act of 2008 was issued by the Department of Justice. The purpose of the Amendment was to incorporate the ADA Amendment’s Act changes to titles II and III (Amendment of Americans with Disabilities Act Title II and Title III Regulations to Implement ADA Amendments Act of 2008, 2016).

While the ADA requires employers to accommodate applicants, it is sometimes unclear how such accommodations should be made. We recommend consulting with your agency's legal staff before making accommodations. Only your jurisdiction is aware of local regulations and legal precedents, which should dictate your actions.
Standards and Guidelines

There are three sets of standards and guidelines that test developers and administrators use when developing or administering tests:

1. **Principles for the Validation and Use of Personnel Selection Procedures** (2018)

The Uniform Guidelines were written prior to the creation of the Americans with Disabilities Act; therefore, neither the Guidelines nor the Questions and Answers on the Uniform Guidelines (1979) make references to testing candidates with disabilities and how doing so influences selection procedures. The information pertaining to test accommodations found in the Principles and the Standards is outlined below.

Principles for the Validation and Use of Personnel Selection Procedures

The Principles[^1] (Society for Industrial-Organizational Psychology, 2003) specify established scientific findings and generally accepted professional practice in the field of personnel selection psychology in the choice, development, evaluation, and use of personnel selection procedures designed to measure constructs related to work behavior. The Principles makes several allusions to test accommodations, which have been summarized below. (To read the verbatim excerpts, please refer to the table on the following page.)

- Fairness refers to the unbiased treatment of candidates and that equitable treatment, in terms of test conditions, includes making reasonable accommodations for those with special needs.
- When providing information to candidates, organizations should provide them with clearly written information about the selection procedure including information about the process for requesting accommodation for disability.
- Testing candidates with disabilities may require special accommodations, which are made to reduce the effect of a disability that is not relevant to the construct being assessed. Those making such modifications must use their professional judgment regarding the type or types of accommodations.
  - Those authorizing test accommodations for individuals with disabilities should be knowledgeable about the process and the consequences involved in changing selection procedures.
  - The test user must ensure that the candidate’s results on the selection procedure actually reflect the candidate’s true ability rather than information irrelevant to the ability being measured. Given the nature of the construct being measured, it is sometimes impossible to distinguish the construct from the candidate’s disability.
  - Selection procedures altered for the purpose of accommodating candidates with disabilities should be similar to the procedures used for other candidates and that these changes should not be implemented for the purpose of assessing the candidate’s disability.

[^1]: The 5th Edition of the Principles is scheduled for release in 2018. IPMA-HR will update this section of the white paper to reflect the most current information once the new edition has been released.
Summary of the Principles Related to Test Accommodations

The second meaning views fairness in terms of the equitable treatment of all examinees. Equitable treatment in terms of testing conditions, access to practice materials, performance feedback, retest opportunities, and other features of test administration, including providing reasonable accommodation for test takers with disabilities when appropriate, are important aspects of fairness under this perspective. There is consensus on a need for equitable treatment in test administration (although not necessarily on what constitutes equitable treatment). (SIOP, 2003, p. 31)

The selection procedures used when assessing candidates with disabilities should resemble as closely as possible the selection procedures used for other candidates. The selection procedures are developed for the purpose of making selection decisions, not for the purpose of assessing the extent of a candidate’s disability. The addition of a procedure designed to assess the existence or degree of a disability is inappropriate as a selection tool. (SIOP, 2003, p. 61)

Many organizations use test brochures or test orientation materials to inform candidates about the employee selection process. Some organizations also provide informational sessions prior to the administration of a selection procedure. When appropriate, the researcher should consider providing candidates with clearly written, uniform information about the selection procedure such as the purpose, administrative procedures, completion strategies, time management, feedback, confidentiality, process for requesting accommodation for disability, and other relevant user policies. Whenever possible, both the content and the process for orienting candidates should be standardized. The administration guide should describe these materials and provide information on how the administrator may obtain them. The rules for distribution should be explicitly stated in order to facilitate consistent treatment of candidates. (SIOP, 2003, p. 55)

The test user should take steps to ensure that a candidate’s score on the selection procedure accurately reflects the candidate’s ability rather than construct-irrelevant disabilities. One of these steps is a dialog with the candidate with the disability about the accommodations possible. In some cases, the construct being assessed cannot be differentiated from the disability (e.g., proofreading test taken by a sight-impaired candidate). Other times, the disability does not affect selection procedure performance and no accommodation is necessary. Components of a selection procedure battery should be considered separately in determinations of modifications. To the extent possible, standardized features of administration should be retained in order to maximize comparability among scores. Approval of pre-specified, routine accommodations not expected to affect the psychometric interpretation of the selection procedure scores (e.g., adjusting table height) may be delegated to administrators. (SIOP, 2003, p. 61)
Assessing candidates with disabilities may require special accommodations that deviate from standardized procedures. Accommodations are made to minimize the impact of a known disability that is not relevant to the construct being assessed. For example, an individual’s upper extremity motor impairment may affect a score on a measure of cognitive ability although the motor impairment is not related to the individual’s cognitive ability. Accommodations may include, but are not limited to, modifications to the environment (e.g., high desks), medium (e.g., Braille, reader), time limit, or content. Combinations of accommodations may be required to make valid inferences regarding the candidate’s ability on the construct(s) of interest. Professional judgment is required on the part of the user and the developer regarding the type or types of accommodations that have the least negative impact on the validity of the inferences made from the selection procedure scores. Empirical research is usually lacking on the effect of given accommodations on selection procedure performance for candidates with different disabilities or varying magnitudes of the same disability. (SIOP, 2003, pp. 59–60)

Researchers and individuals charged with approving the accommodation for an organization should be knowledgeable about the availability of modified forms of the selection procedure, psychometric theory, and the likely effect of the disability on selection procedure performance. Users may choose to modify the original selection procedure, develop a modified procedure for candidates with disabilities, or waive the selection procedure altogether and use other information regarding the candidate’s job-related knowledge, skills, abilities or other characteristics. While empirical research to demonstrate comparability between the original procedure and the modified procedure may not be feasible in most instances, the individuals developing the modifications should make attempts when possible to limit the modifications, consistent with legal responsibility, to those that allow, insofar as is possible, the comparability of procedures. (SIOP, 2003, p. 60)

Standards for Educational and Psychological Testing

The Standards outlined below specifically pertain to test accommodations¹:

• **Standard 2.10**: When significant variations are permitted in tests or test administration procedures, separate reliability/precision analyses should be provided for scores produced under each major variation if adequate sample sizes are available.

• **Standard 3.9**: Test developers and/or test users are responsible for developing and providing test accommodations, when appropriate and feasible, to remove construct-irrelevant barriers that otherwise would interfere with examinees’ ability to demonstrate their standing on the target constructs.

• **Standard 3.10**: When test accommodations are permitted, test developers and/or test users are responsible for documenting standard provisions for using the accommodation and for monitoring the appropriate implementation of the accommodation.

• **Standard 3.11**: When a test is changed to remove barriers to the accessibility of the construct being measured, test developers and/or users are responsible for obtaining and documenting evidence of the validity of score interpretations for intended uses of the changed test, when sample sizes permit.

• **Standard 6.2**: When formal procedures have been established for requesting and receiving accommodations, test takers should be informed of these procedures in advance of testing.

• **Standard 9.14**: Test users should inform individuals who may need accommodations in test administration ... about the availability of accommodations and, when required, should see that these accommodations are appropriately made available.

For more in depth interpretations of the Standards above, please consider purchasing a copy of the Standards for Educational and Psychological Testing (2014).

IPMA-HR RECOMMENDATIONS

Although IPMA-HR has not established standard procedures, both federal and state laws require that the candidate show proof of disability (e.g., a doctor’s note stating the disability). If possible, you may want to consider testing this candidate separately from the other candidates so as to avoid disruption.

The Assessment Services Department advises you to visit the Americans with Disability Act’s website at http://www.ada.gov along with the other useful resources listed in the next section.

The resources listed include many informative publications related to making test accommodations. The following two documents specifically address testing accommodations: JAN’s Accommodation and Compliance Series: Testing Accommodations and the ADA Technical Assistance Document: Testing Accommodations

The three most common accommodations that IPMA-HR test customers inquire about include extending the time limit, providing a reader, and providing a larger print version of the test.

Extended Time Limits

According to JAN “Extended time means allowing the test-taker extra time to complete the test. The amount of extended time should be correlated to the test-taker’s disability or limitations. Common examples of extended time include: time and a half, double time, and unlimited time. “

Supplying a Reader

According to JAN “A reader is a person who reads the test to the test-taker. This person should be familiar with the terminology or language used on the test. A reader does not interpret, re-word, or explain the test. A reader reads the test directions, questions, and answer choices to the test-taker. “

When considering a reader, factor this decision into how much time you have allotted the candidate to take the test. That is, using a reader may extend the total time of the test. State-level agencies often employ readers or have lists of trained readers. If a reader is provided, he or she should be familiar with any technical terms to be read aloud.

It is also important to select an unbiased party. For this reason, IPMA-HR does not recommend the use of a friend or relative as a reader. Furthermore it is important to use commonsense reasoning when selecting a reader to ensure that the security and integrity of the test is maintained. IPMA-HR requires any person who is allowed any type of access to a test to sign a Limited Access Security Agreement before the start of the test. Call the Assessment Service Department for a copy of the form.

Alternative Test Format

According to JAN, an alternative format is any format that is different from the existing test. Alternative format may include large print among other options. If you are considering this type of accommodation please call the Assessment Service Department for assistance.

A wide range of information and test accommodations are discussed on both webpages cited above as well as the links in the useful resources section below including testing in a private room, reducing/eliminating distractions and allowing breaks. Please see these resources for more in depth information.
CONCLUSION

The information contained in this white paper was designed to assist IPMA-HR test customers in obtaining information about test accommodations. The information listed in Resources and References will be useful in conducting further research.

However, given the complexity of the ADA, it is important to refer to your agency’s legal counsel before making decisions about test accommodations. It is also important to note that information gathered from the resources listed in Useful Resources and References is not necessarily legally binding. For example, the courts may interpret the ADA differently than what these documents state. Therefore, it is extremely important to defer to your agency’s legal counsel to determine the appropriate course of action in a given testing situation.

IPMA-HR’s Assessment Services Department hopes you have found this white paper to be a valuable tool in your research process. If you have further questions or require additional information regarding test accommodations, please feel free to contact the Research Associate at IPMA-HR:

- Phone: (800) 381-TEST (8378)
- Email: assessment@ipma-hr.org
RESOURCES

JOB ACCOMMODATION NETWORK
The Job Accommodation Network provides free consulting services designed to increase the employability of people with disabilities by providing individualized work site accommodations solutions, providing technical assistance regarding the ADA and other disability related legislation, and educating callers about self-employment options. Publications and information on making accommodations for specific individuals with disabilities may be obtained by calling (800) 526-7234 (Voice/TTY) or by visiting www.jan.wvu.edu.

JOB ACCOMMODATION NETWORK FAQs
The JAN provides an “Accommodation and Compliance Series: Testing Accommodations” webpage with a list of disabilities and recommended accommodations for them: https://askjan.org/media/testingaccomm.html

ADA HOMEPAGE
The ADA prohibits discrimination against people with disabilities in employment (Title I), in public services (Title II), in public accommodations (Title III), and in telecommunications (Title IV). Publications and information including technical assistance documents, press releases, and quarterly reports on litigation and mediation of complaints filed under the ADA may be obtained by visiting www.usdoj.gov/crt/ada/adahom1.htm.

ADA TESTING ACCOMMODATIONS REQUIREMENTS
The U.S. Department of Justice Civil Rights Division provides an ADA Requirements: Testing Accommodation webpage with pertinent information: https://www.ada.gov/regs2014/testing_accommodations.pdf

ADA & IT TECHNICAL ASSISTANCE CENTERS
The National Institute on Disability and Rehabilitation Research established ten regional centers to provide information, training, and technical assistance to employers, individuals with disabilities, and other entities with responsibilities under the ADA. Each ADA & IT Technical Assistance Center provides technical assistance, education and training, and referral information. Additionally, each center assists individuals and entities in understanding disability legislation which may affect their rights or responsibilities. Publications and information may be obtained by calling (800) 949-4232 (Voice/TTY) or by visiting https://adata.org; https://adata.org/find-your-region and https://adata.org/publication/ADA-faq-booklet#Employment

EEOC
The EEOC enforces Federal laws prohibiting job discrimination and also oversees and coordinates all federal equal employment opportunity regulations, practices, and policies. Publications and information on EEOC-enforced laws may be obtained by calling (800) 669-3362 (Voice) or (800) 800-3302 (TTY) or by visiting www.eeoc.gov. 
https://www.eeoc.gov/laws/types/disability.cfm
https://www.eeoc.gov/eeoc/litigation/selected/ada_ligation_facts.cfm

ADA FINAL RULE 2016
The Amendment of Americans with Disabilities Act Title II and Title III Regulations to Implement ADA Amendments Act of 2008 summarizes the history of the ADA, its revisions/amendments, and the most current 2016 rule. https://www.ada.gov/regs2016/final_rule_adaaa.html
References


Amendment of Americans with Disabilities Act Title II and Title III Regulations to Implement ADA Amendments Act of 2008, 28 CFR Parts 35 and 36 (2016).


Issued by the Equal Employment Opportunity Commission, the Department of Labor, the Department of Justice, the Office of Personnel Management, and the Treasury Department’s Office of Revenue Sharing (1979). Questions and answers on the uniform guidelines on employee selection procedures. Federal Register, 43(641).