

## **VOLUNTARY RESOLUTION AGREEMENT**

### **Educational Testing Service OCR Case No. 02-15-2328**

In order to resolve Case No. 02-15-2328, Educational Testing Service (ETS) enters into this Voluntary Resolution Agreement with the U.S. Department of Education, New York Office for Civil Rights (OCR), pursuant to the applicable requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104.

ETS is committed to providing test takers with disabilities equal access to ETS examinations. To that end, ETS is currently enhancing its online systems for test takers with disabilities to submit materials in support of requests for testing accommodations and to register for such examinations. In order to resolve the above-referenced complaint, and without admitting any violation of state or federal law, ETS assures OCR that it will voluntarily take the actions detailed below.

**Definition of “Accessible”:** Educational benefits and opportunities afforded by technology are “accessible” if a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. A person with a disability must be able to obtain the information and engage in the same interactions as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

#### **Action Item:**

By November 30, 2015, ETS will enable test takers with disabilities seeking testing accommodations to submit by electronic mail message (email) test registration forms and materials in support of accommodation requests for ETS tests. Additionally, within 30 days after execution of this Agreement, ETS will develop procedures and a plan to ensure that its online registration system is accessible to test takers seeking testing accommodations due to a disability, with target dates for implementation of the procedures set forth in the plan. Specifically, the procedures will be designed to enable test takers with disabilities seeking testing accommodations to (a) submit test registration information online; (b) request testing accommodations and submit supporting materials for the requested testing accommodations through ETS’s website and/or online platform; and (c) permit test takers seeking testing accommodations to indicate online their preferred test dates and test sites operated by ETS or ETS’s Prometric subsidiary.

**Reporting Requirements:**

1. By December 10, 2015, ETS will provide documentation to OCR demonstrating that test takers with disabilities seeking testing accommodations are able to submit test registration forms and materials in support of accommodation requests for ETS tests by email.
2. Within 30 days of execution of this agreement, ETS will provide to OCR for review and approval, a draft of the policy and plan described in the Action Item above. OCR will respond within 30 calendar days.
3. By March 31, 2016, and quarterly thereafter until completion, ETS will provide documentation to OCR demonstrating that it has upgraded its website and made other electronic enhancements by the dates specified in its plan for implementation. OCR will respond to these quarterly reports within 60 calendar days of submission.
4. Within 60 days of completion of the upgrades to ETS's website and other electronic enhancements, ETS will (a) submit to OCR copies of the publications that contain the revised policies and procedures; and, (b) indicate the methods of dissemination of the publications. ETS may use inserts in the publications until the publications are reprinted, and it will post the revised policies and procedures on ETS's website.

ETS understands that OCR will not close the monitoring of this agreement until OCR determines that ETS has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. § 104.4(b)(1), which was at issue in this case. ETS also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, ETS understands that during the monitoring of this agreement, OCR may visit ETS, interview staff, and request such additional reports or data as are necessary for OCR to determine whether ETS has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. § 104.4(b)(1), which was at issue in this case. ETS understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give ETS written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

November 23, 2015  
Date

Glenn Schroeder  
Authorized Signature  
Educational Testing Service