

VOLUNTARY RESOLUTION AGREEMENT

Educational Testing Service

OCR Case No. 02-16-2076

In order to resolve Case No. 02-16-2076, 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.

Action Item 1:

By July 15, 2016, ETS will offer the complainant, in writing, the opportunity to submit an application and supporting documentation in support of her request for accommodations during the Praxis Series examinations. ETS will provide the complainant a minimum of thirty (30) calendar days to respond to the offer to submit an application and supporting documentation in support of her request for accommodations. Within thirty (30) days of receipt of the complainant's application and supporting documentation, ETS will conduct an individual assessment of the sufficiency of the complainant's request for accommodations and supporting documentation in accordance with its Guidelines for Documentation of Attention-Deficit/Hyperactivity Disorder in Adolescents and Adults, Third Edition 2016" (ADHD Guidelines), which ETS has previously provided to OCR. ETS will notify the complainant of its determination in writing.

Reporting Requirements:

- (a) By August 31, 2016, ETS will provide documentation to OCR demonstrating that it has offered the complainant, in writing, an opportunity to submit an application and supporting documentation in support of her request for accommodations during the Praxis Series examinations as referred to in Action Item 1; and the complainant's response to the offer, if any.
- (b) Within thirty (30) days of issuing its determination regarding the complainant's request for accommodations during the Praxis Series examinations, ETS will provide written documentation to OCR demonstrating that ETS evaluated the complainant's request for accommodations. At a minimum, the documentation will state whether the complainant's request for accommodations was approved or denied; and if denied, state the basis for the denial, and provide a description of the documentation considered.

Action Item 2:

By July 31, 2016, ETS will publish its “ADHD Guidelines” in order to ensure that it continues to provide for individual evaluation of requests for accommodations submitted by test-takers with disabilities.

Reporting Requirements:

- (a) By August 31, 2016, ETS will (a) submit to OCR copies of the publications that contain the ADHD Guidelines; 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 ADHD Guidelines 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.

6/30/2016

Date

/s/

Authorized Signature Sara Lester
Educational Testing Service