



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ  
DIRECTOR  
NEW YORK OFFICE

August 30, 2022

Sent by email only to [jsinger@collegeboard.org](mailto:jsinger@collegeboard.org)

Jeremy Singer  
President  
The College Board  
250 Vesey Street  
New York, New York 10281

Re: Case No. 02-22-2261  
The College Board

Dear Mr. Singer:

On August 2, 2022, the U.S. Department of Education, Office for Civil Rights (OCR) received the complaint filed against the College Board. The Complainant alleged that the College Board discriminated against her daughter (the Student) on the basis of her disability by failing to arrange for her to take the SAT exam administered in May 2022 with her approved accommodations.

OCR enforces 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, which prohibit discrimination on the basis of disability in programs and activities receiving Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the College Board is subject to Section 504.

On August 12 and 16, 2022, OCR contacted the College Board to provide notice of the complaint and discuss OCR's Rapid Resolution Process (RRP). On August 16, 2022, the College Board communicated its willingness to voluntarily resolve the OCR complaint through RRP. On August 30, 2022, the College Board voluntarily entered into the attached resolution agreement to resolve the complaint, in accordance with Section 302 of OCR's *Case Processing Manual*.<sup>1</sup> The College Board agreed to notify the Complainant in writing that the Student may sit for the October 2022 administration of the SAT at the Student's home school, with her approved testing accommodations, including XXXXX XXXXX, and to provide the Complainant with instructions for registering for the SAT. The College Board also agreed to provide training to staff responsible for assigning school site locations for students approved to receive testing accommodations for the SAT. The College Board agreed that the training would cover, at a minimum, the College Board's obligation to attempt to timely secure a testing site location for any registered student with a

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<sup>1</sup> *Case Processing Manual* (July 18, 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

disability who is approved to received school-based testing accommodations. OCR will monitor the College Board’s implementation of the resolution agreement. Upon the College Board’s compliance with the terms of the Agreement, and Section 504 and its implementing regulation at 34 C.F.R. Part 104 which were at issue in this case, OCR will close the case.

This letter should not be interpreted to address the College Board’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College Board must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the College Board with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Sandy Araj, Compliance Team Attorney, at (646) 428-3879 or [sandy.araj@ed.gov](mailto:sandy.araj@ed.gov); or David Krieger, Senior Compliance Team Attorney, at (646) 428-3893 or [david.krieger@ed.gov](mailto:david.krieger@ed.gov).

Sincerely,

/s/

Eboné Woods  
Compliance Team Leader

Attachment

cc: Jill Green, Esq.