

EDUCATION LIFE | STRATEGY | TESTING

Accommodations Angst

By ABIGAIL SULLIVAN MOORE NOV. 4, 2010

EXTRA time. More breaks. A small, quiet room. Seeking such accommodations on entrance exams can be a journey of angst for students with learning disabilities and attention deficit hyperactivity disorder. A new set of federal regulations, published in September and effective in March, could smooth the path.

Still, legal experts are skeptical, and guidance counselors, tutors and disabilities advocates say the process has become even harder for the ACT and SAT over the last five years or so.

“They have toughened up,” says Claire Cafaro, a former high school guidance counselor who serves on the executive board of the New Jersey Association for College Admissions Counselors. “It’s clear they are a lot more choosy where those accommodations can be used.”

And the ACT is considered the tougher of the two. “I will do the same documentation for Jane Doe for the SAT and ACT,” says Anne B. Carlson, guidance department chairwoman at Walton High School in Marietta, Ga. “The SAT will come back approved, and the ACT will come back not approved.”

THE BOTTOM LINE

Students with learning disabilities or A.D.H.D. now make up the bulk of disabled students seeking special accommodations, though they are a small percentage of all takers of the ACT (nearly 4 percent) and SAT (about 2 percent).

In reality, the percentage of approvals is relatively high. For the last school

year, ACT Inc. initially denied about 25 percent of applications for accommodations. The College Board asked about 20 percent for additional documentation for the SAT. Many persevere, going back and forth until the testing companies are satisfied. Ultimately, the ACT approves about 92 percent of applicants, and the SAT about 85 percent (less than 10 percent of those are for physical disabilities).

Neither the College Board nor ACT believes documentation requirements for special accommodation have toughened.

Steven Pereira, executive director of Services for Students With Disabilities for the College Board, says that such a perception might come from efforts to be more precise about documentation, and that the process has been redefined annually. “I could see that as appearing more stringent,” he says.

ACT officials say they have not changed their standards. Noting their high approval rates, they suggest applicants are self-selecting. “I may be going out a limb here,” says Sherri Miller, an assistant vice president, “but if people didn’t really have a disability they wouldn’t apply because they would see they are not going to pass our requirements.”

BACKSTORY

Testing organizations have long feared that unmerited accommodations, especially extra time, undermines their exams’ integrity.

A 2000 audit of California test takers showed a disproportionate number of white, affluent students receiving accommodations, igniting suspicions of exaggerated or nonexistent disabilities. Three years later, in the wake of a lawsuit, ACT and the College Board stopped flagging scores of accommodated students for admissions offices; with the stigma gone, the incentive grew to game the system. “What was before a pro forma request now turned into a very elaborate process with a lot of waiting time,” says Steven Roy Goodman, co-author of “College Admissions Together: It Takes a Family.”

Meanwhile, courts decided that a disability must be severely limiting to be covered by the Americans With Disabilities Act. Taking their cue from this

definition, testers have especially scrutinized students with average to above-average academic performance — after all, how can a student do so well *and* be significantly restricted? “Because the A.D.A. is outcome neutral, we are not looking to maximize a student’s performance so that they can do the best they can,” says Susan Michaelson, ACT’s manager of test accommodations. “We are looking to provide equal access.”

Congress, however, over objections from ACT, in 2008 rejected the courts’ “narrow” understanding of disability and amended the A.D.A. New rules are being drafted to expand the definition of disability. The regulations that were just published tell testers to give “considerable weight” to documented accommodations at applicants’ schools, keep documentation requests “reasonable” and give credence to assessments of disabilities by qualified evaluators.

In theory, says Jo Anne Simon, a New York disability rights lawyer, the new rules will mean “schools and parents will not have to jump through hoops.” But she and other lawyers worry about compliance by testing agencies.

“In my general experience, the SAT is using more appropriate standards for proving that you have a disability,” says Matt Cohen, a special-education lawyer in Chicago. The ACT and graduate school entry exams, he believes, “are raising the threshold for the documentation and extent of impairment.”

ACT says it adheres to the A.D.A. “When the regulations become effective,” says Mrs. Michaelson, “the ACT will adjust its policies.”

HOW TO

Patsy J. Prince of Academic Tutoring Centers in suburban Chicago says this of the ACT and SAT: “Both have become more difficult, and rightly so. People sense that they could use extended time and don’t realize that you have to have a diagnosed issue. They are inundated with requests for extended time without testing from an educational psychologist.”

Whatever the exam, applicants need to demonstrate that their disability substantially limits their daily functioning and their ability to take the test. They must show that their requested accommodation fits their disability — extra time

(typically 100 to 125 more minutes) for a student with a reading disability, or breaks between tests for a student with poor attention. Extended time is the most requested accommodation.

Students also must prove they have used similar accommodations in their school, even if informally. “The presumption is that if you’re not using it, you don’t need it,” says Nora Belanger, a disability rights and special-education lawyer in Norwalk, Conn.

Public school students may have formal plans: an Individualized Educational Plan for specialized instruction, services, accommodations and academic goals, or a less intensive Section 504 Plan. Private schools, on the other hand, may provide accommodations informally, like giving time at lunch to finish a test. All this documentation is vital. But know what’s in there: plans can lack a diagnosis, recommended accommodations or a usable evaluation.

Parents often find themselves at cross-purposes with secondary school educators, who are unable or reluctant to provide more testing. So legal experts say the best investment is a comprehensive private evaluation, which can cost \$1,000 to \$5,000. “If you have to choose between a lawyer and someone who can tell what’s wrong with your kid, choose the evaluator,” says Micki Moran, a Chicago lawyer with expertise in special-education issues.

BEST ADVICE

Documentation submitted to the College Board and ACT ranges from one page to hundreds. Sometimes key information is buried. Such was the case for one student whose school submitted his 40-page-plus I.E.P. without summarizing why he needed accommodations for the SAT. He was denied. Vincent Varrassi, his tutor, stepped in: “I wasn’t the evaluator but I took the info that was already there and was able to present it in a four-page letter that flowed logically.” The application was approved.

Perseverance pays. “Sometimes after two, three, four submissions the document with the meat finally turns up,” Mr. Pereira says. Or, on occasion, he adds, a fresh set of eyes will make another determination.

Because testing organizations may ask applicants for more documentation, “parents need to be organized,” says Marybeth Kravets, co-author of the “K&W Guide to Colleges for Students With Learning Disabilities or Attention Deficit Hyperactivity Disorder.”

“They need to copy everything in school files as early as possible,” she says. “They need to have a copy of special-education records, if they have medical records when the child was 7 or 9 and a kid was acting out.”

Perhaps the biggest red flag is a late diagnosis.

If a student’s condition is diagnosed in high school or just before, that tends to raise questions. If it is less than three school years before their request for ACT accommodations, students are required to submit “full” documentation — for example, for A.D.H.D. that includes results from a professional evaluation, an overview, evidence of early and current impairment, relevant testing, and the impact of current accommodations.

In cases suggesting later diagnoses, the College Board also requires full documentation, but typically when a student has used accommodations or had a formal plan in place for only less than four months.

“It’s a *big* difference,” says Peggy Hock, a psychologist and learning specialist at Kehillah Jewish High School in Palo Alto, Calif., adding that many students’ conditions aren’t diagnosed until they begin the demands of high school. Mrs. Michaelson, too, says that bright students, or students who move from school to school, may evade early detection. Still, she says, the ACT follows the established criteria that A.D.H.D. symptoms surface before age 7.

So when a diagnosis comes later, she advises families to be creative. “More is always better,” Mrs. Michaelson says. “Some people have done some very creative things. Report cards, letters from baby sitters and child care centers to show difficulty at recess when children are little. We will piece together that documentation.”

Of course, the best route is for parents to push their school to test their child as soon as they sense something is amiss.

“Unfortunately,” says James H. Wendorf, executive director of the National Center for Learning Disabilities, “many parents adopt a wait-and-see attitude that can lead to a situation where it’s wait to fail.”

A version of this article appears in print on November 7, 2010, on page ED12 of Education Life with the headline: Accommodations Angst.
