

**High School Equivalency Exams:  
Accessibility of Accommodations for Persons with Learning Disabilities**

A Report Prepared for the  
Learning Disabilities Association of America  
Board of Directors

By

A Subcommittee of LDA members who serve on the  
Adult Topics and Public Policy Committee

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## TABLE OF CONTENTS

INTRODUCTION .....	1
FINDINGS AND RECOMMENDATIONS .....	1
CURRENT LAW ON TESTING ACCOMMODATIONS .....	6
CURRENT HIGH SCHOOL EQUIVALENCY EXAMS .....	8
INQUIRIES	
HOW DOES A TEST-TAKER REGISTER TO TAKE AN EXAM? .....	14
HOW DOES A TEST-TAKER WITH A DISABILITY APPLY FOR ACCOMMODATIONS? .....	17
HOW DOES A TEST APPLICANT SUBMIT THE APPLICATION FOR ACCOMMODATIONS? .....	22
HOW IS A REQUEST FOR ACCOMMODATIONS PROCESSED BY THE TESTING ENTITY? .....	24
DOES THE TESTING ENTITY READILY ACCEPT THE DOCUMENTATION AND RECOMMENDATIONS FROM A QUALIFIED PROFESSIONAL? .....	25
“BEST ENSURE” VERSUS “ACCESS” .....	37
DOES THE TESTING ENTITY GIVE “CONSIDERABLE WEIGHT” TO PAST ACCOMMODATIONS? .....	38
DOES THE TESTING ENTITY ALLOW A “PERSONAL STATEMENT” FROM THE TEST APPLICANT? .....	40
DOES THE TESTING ENTITY ALLOW AN “ADVOCATE’S STATEMENT FROM THE TEST APPLICANT? .....	41
HOW DOES A TEST APPLICANT CONTACT A TESTING ENTITY IF HE HAS A QUESTION? .....	42
WHAT IS THE APPEAL PROCEDURE? .....	44
DOES THE TESTING ENTITY READILY PROVIDE APPROVED ACCOMMODATIONS? .....	47
THIRD-PARTY AUTHORIZATIONS .....	49
DISABILITY SERVICE PROVIDERS & CERTIFICATION OF DOCUMENTATION ..	50
APPENDICES	

# **High School Equivalency Exams: Accessibility of Accommodations for Persons with Learning Disabilities<sup>1</sup>**

**April 2015**

## **Introduction**

The Learning Disabilities Association of America (“LDA”) was approached in the fall of 2014 with concerns regarding the ability of individuals with learning disabilities to be approved for, and to use, accommodations when taking high school equivalency exams. The Board of Directors of the LDA considered this important matter at its September 26, 2014 Board Meeting, and charged a Subcommittee to research it.

The purpose of this report (the “Report”) is to provide a brief outline of the current law on testing accommodations and “high stakes” tests, and to review the testing accommodations’ policies, procedures and practices of the testing entities which administer the high school equivalency exams (“Testing Entities”).

In addition to this review, the Subcommittee prepared a survey that was sent on December 21, 2014 to LDA’s entire list of email addresses (the “Survey”) (See Appendix, Item 1). The Survey was also sent on January 28, 2015 to the email addresses of all the State Directors of Adult Education. The purpose of the Survey was to learn first-hand from individuals with learning disabilities their experiences obtaining and using accommodations on high school equivalency exams.

Individuals who responded to the Survey were then contacted by members of the Subcommittee and asked if they would share their experiences and full documentation with the Subcommittee. The documentation was then sent for review by two outside consultant psychologists who are professionals with expertise relating to learning disabilities. A copy of the Review of Documentation Form used by the psychologists is provided in the Appendix, Item 2. For confidentiality, the test-takers’ documentation is not included with this Report, however a summary of each test applicant’s experience is provided in the Appendix, Item 3. Specific individuals whose experiences seeking testing accommodations are discussed in this Report are referred to as “Test Applicants.”<sup>2</sup>

One of LDA’s missions is to create opportunities for success for all individuals affected by learning disabilities. The Subcommittee members believe working to assure all test-takers with learning disabilities obtain the accommodations allowed by law supports this mission.

## **Findings and Recommendations**

The Subcommittee believes the current policies, procedures and practices of the Testing Entities create barriers that individuals with learning disabilities must overcome in order to access high school equivalency exams. Some of these barriers are minor, and are easily remedied. However other barriers are substantial and require significant changes by the Testing Entities because they make it difficult for individuals with learning disabilities to obtain the accommodations allowed by law.

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<sup>1</sup> This Report has been prepared by a LDA Subcommittee comprised of members of the LDA and includes members of the Adult Topics Committee and Public Policy Committee: JoAnna J. Barnes (Chair), Eun Mi Cho, Julia Frost, Patti White, and Sylvia Youngblood.

<sup>2</sup> Throughout this Report it will refer to individuals who apply for the exams as either a “test-taker,” “test applicant,” or “examinee.” When a Test Applicant with initial capitalization is noted, it refers to a specific person.

Although most members of the Subcommittee work in the field of Adult Education, none are experts in this area of the law. Thus, it is our primary recommendation that this Report be shared with an attorney with extensive experience with the ADA and the law on accommodations for examinations for his or her recommendation on how to best proceed. The Subcommittee recommends Attorney Jo Anne Simon be approached for her legal opinion on this matter.

Our secondary recommendation is for this report to be shared with each of the Testing Entities. The Subcommittee hopes they will be interested in learning how the process of applying for test accommodations looks to test applicants.

In addition, in light of the serious concerns raised to date by individuals who responded to the Survey, and the Test Applicants' experiences discussed in this Report, the Subcommittee strongly recommends LDA continue to solicit additional information on this topic. For example, we recommend the Survey be sent to the Commission on Adult Basic Education (COABE). And, to that end, if additional test applicant experiences are brought to the Subcommittee, the Subcommittee will attach an addendum to this Report with the additional information.

Finally, immediately prior to the completion of this Report, the Subcommittee received another ten (10) responses to the Survey. In light of the urgency of the topic of this Report, the Subcommittee decided to not delay completion and submission of the Report until these individuals who responded to the Survey can be contacted. Once they have been contacted, if the Subcommittee determines if any test applicant's experience is relevant to this Report, then an addendum with the additional information will be submitted.

The following are the recommendations of the Subcommittee.

#### Policies, Practices and Procedures Already Used by A High School Equivalency Testing Entity

First, we find that there are policies, procedures and practices used by individual Testing Entities that should be adopted by all the Testing Entities in order to facilitate accessibility of these exams.<sup>3</sup> These include:

1. Have an accessible website that includes on the testing entity's homepage a clear link to accommodations request information, including a direct toll-free phone number and email contact information for accommodations questions, as well as keeping the Q/A section.
2. One Accommodations Request Form regardless of disability type. (HiSet® & TASC™)
3. Provide a process for test applicants with learning disabilities or ADHD to provide a "documentation update" instead of the preparation of a new comprehensive psychoeducational report, and do not require a new intellectual functioning test if a valid one was conducted in testing covered by the initial report. (HiSet®)
4. Make available the alternate formats large print and Braille to any test-taker without formal approval—these should not be considered testing accommodations. (TASC™)
5. Provide an accommodations list that describes testing accommodations that may be approved. (TASC™)

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<sup>3</sup> If a suggested policy, procedure or practice is already in use by a Testing Entity, then that Testing Entity is noted next to the recommendation in a parenthetical.

6. On the accommodations request form clearly set out the information for the 3rd party authorization, with a clear release for the test applicant to sign. (TASC™) (Suggested language is provided in this Report at page 49.)
7. Permit the application for accommodations, indeed all communication, to be submitted by fax, mail or email. (TASC™)
8. Send confirmation of receipt by the Testing Entity of the test accommodations request application.
9. Respond to all accommodations requests in a timely manner (within 30 days or less).
10. Include a “Personal Statement” of the test applicant in the list of documentation that may be submitted with the application for test accommodations. (HiSet®) This Personal Statement should be given considerable weight in making a decision on whether to approve test accommodations.
11. Include a “Letter from Rehab Counselor or Case Manager,” also called an “Advocate’s Statement,” in the list of documentation that may be submitted with the application for test accommodations. (HiSet®) This Advocate’s Statement should be given considerable weight in making a decision on whether to approve test accommodations.
12. Include the most recent IEP or 504 Plan, no matter its currency, in the list of documentation that may be submitted with the application for test accommodations. (HiSet®) The IEP/504 Plan should be given considerable weight in making a decision on whether to approve test accommodations.
13. Allow a reader and text-to-speech as a regularly provided accommodation to those test applicants with a reading disability, and give the test applicant the right to choose which format
14. Allow a test applicant to use the assistive technology with which he or she is most familiar. For example, a visually-impaired text applicant may be most familiar with certain text-enlarging software, but not a magnifier. That test applicant should be allowed to use the software, and not be required to use the magnifier.
15. When evaluating a request for accommodations, consider the cumulative impact of multiple disabilities on testing.
16. Accept, without requiring further testing, the diagnosis of a Qualified Professional who used the criteria of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5 or whichever edition was current at the time of diagnosis).

#### Policies, Practices and Procedures in Use by Other High-Stakes Testing Entities

Second, there are policies, procedures and policies used by other high-stake exams’ testing entities, such as the College Board, Law School Admission Council, Inc., ETS®’s tests other than HiSet, and the ACT, that should be adopted by the high school equivalency exam Testing Entities. These include:

1. The Subcommittee recommends that the Testing Entities accept a “certification of eligibility” based on the test applicant’s history of receiving test accommodations if a student was enrolled in a special education program or had 504 Plan in a K-12 school in the past five years, or had accommodations at a

community college in the past five years. (A Certification of Eligibility is more fully discussed in this Report at page 50.)

2. Following the reasons set out in the LSAC Consent Decree, test applicants whose documentation establishes that they previously were approved to receive testing accommodations on another standardized examination (such as the SAT or ACT), and with respect to the testing accommodations for which they were previously approved, the Testing Entities shall require no more documentation than proof of the approval for such testing accommodations, and certification by the test applicant through a checkmark box on the request for accommodations form that the test applicant is still experiencing the functional limitations caused by the disability(ies) for which testing accommodations were approved.

### Recommendations Specific to the GED® Test

The Subcommittee has concerns about certain policies, procedures and practices specific to the GED® Test. These include:

1. On the Accommodations Request Form provide a list of typical accommodations a test applicant may use as a checklist.
2. Remove from the request forms language advising an evaluator that extended time may not be an appropriate accommodation. This recommendation is discussed more fully in the body of this Report.
3. Make the “comfort list” easy to find on the website.
4. Cease to require the restatement of the scores for the assessments administered (these will already be in the Evaluation Report).
5. Eliminate the finite list of acceptable assessments.
6. Eliminate the requirement the evaluator must provide evidence and extensive documentation of his or her professional credentials because it is sufficient a Qualified Professional establishes his or her professional credentials by providing information about licensure or certification, education, and area of specialization.
7. Make available practice tests with accommodations to a test-taker, even if that test-taker has not yet been formally approved for accommodations. The format of the practice test (paper-based or computer-based) should match the format of the test the student anticipates taking.

Finally, the Subcommittee has very grave concerns about one practice used by the GED® Testing Service. The first is its failure when it:

... receive[s] documentation provided by a qualified professional who has made an individualized assessment of an applicant that supports the need for the modification, accommodation, or aid requested, [to] generally accept such documentation and provide the accommodation. [28 CFR p. 784 (7-1-12 Edition)]

The Subcommittee strongly recommends that when the documentation and request form are complete and include all the required elements for documentation from a Qualified Professional, then that documentation and recommendation should be accepted.

## Paper-Based Format

Although this topic is not within the scope of this Report and applies to all test-takers not just those with disabilities, it was so regularly raised by those interviewed by the Subcommittee, that the Subcommittee believes it must be mentioned.

The GED® Test is only available in a computer-based format to a very few test-takers with a disability. The Subcommittee understands that the GED® Testing Service states the reason the test must be in a computer format is because it is also assessing a test-taker's computer skills. However, the HiSet® and TASC™ both allow a paper-based format upon the request of any test-taker.

If the purpose of the test is to assess a test-taker's knowledge of material, then the test should be delivered in the format that best ensures, whether or not disabled, the test-taker's achievement level not reflect his or her lack of fluency on a computer. The Subcommittee suggests that the LDA Board of Directors recommend a forum at which the availability of paper-based formats may be reconsidered.

## CURRENT LAW ON TESTING ACCOMMODATIONS

The law requiring testing accommodations is found in Section 309 of the Americans with Disabilities Act of 1990, as amended (P.L. 110-325). This provides,

“Examinations and courses. Any person that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.”

(42 U.S.C. §12189, Chapter 126, Subchapter III – Public Accommodations & Services Operated by Private Entities [Title III])

The current regulations and court cases on testing accommodations for individuals with disabilities provide clear guidelines on what standards are to be applied when a test-taker requests accommodations on a test.

Generally, these standards are as follows:

1. Examinations must be administered as to **best ensure** that the examination results accurately reflect the individual’s aptitude or achievement level.
2. Examinations must be offered at an equally convenient location and a timely manner (as to the non-disabled).
3. Any requests for documentation of a disability and need for accommodations must be reasonable and limited to the need for accommodations.
4. Considerable weight must be given to documentation of past accommodations, especially IEP’s and 504 Plans.
5. The testing entities response to a request for accommodations must be timely.

These standards are specifically set out in the regulations for the Americans with Disabilities Amendments Act of 2008, and the accompanying Department of Justice section-by-section analysis. (Applicable sections of the law, regulations, and analysis are provided in Appendix, Item 4.)

The Department of Justice, by its attorneys in the Disability Rights Section, Civil Rights Division, has consistently supported these standards. Most recently, in May 2014 the United States of America entered into a Consent Decree with the Law School Admission Council, Inc. (“LSAC”), on its policies and practices concerning testing accommodations for students with disabilities. As part of the Consent Decree, the LSAC agreed to pay \$7,675,000 in compensatory damages. ([http://www.ada.gov/dfeh\\_v\\_lsac/lsac\\_consentdecree.htm](http://www.ada.gov/dfeh_v_lsac/lsac_consentdecree.htm))

Prior to the LSAC case, in February 2011, the Department of Justice entered into a Settlement Agreement with the National Board of Medical Examiners. This agreement supports Justice’s position that testing accommodations can be required in order for the test-taker to demonstrate his or her ability and achievement level. It also supports the position that even if a learning disability is not diagnosed for the first time until later in life, this should not preclude someone from seeking, and obtaining approval for, test accommodations (<http://www.ada.gov/nbme.htm>).

The Ninth Circuit has supported these standards as well. In Enyart v. National Conference of Bar Examiners, 630 F. 3d 1153, January 4, 2011, the court

“rejected the argument that Section 309 [of the ADA statute] requires only ‘reasonable accommodations’ and adopted the ‘best ensure’ standard for determining accessibility that Justice included in its regulations. The court found that the requirement in Section 309, that testing entities offer examinations in a manner accessible to individuals with disabilities, was ambiguous. **As a result, it deferred to the requirement in Justice’s regulations providing that testing entities must offer examinations ‘so as to best ensure’ that the exam results accurately reflect the test takers aptitude rather than the disabilities.** Applying that standard, the court found the NCBE was required to provide Enyart, a blind law school graduate, with the accommodations she had requested rather than the ones offered by NCBE based on evidence that her requested accommodations were necessary to make the test accessible to her given her specific impairment and the specific nature of the exam.” (Emphasis added.)

(United States Government Accountability Office, “Higher Education and Disability: Improved Federal Enforcement Needed to Better Protect Students’ Rights to Testing Accommodations,” November 2011, p. 7. High School Equivalency Tests were not addressed in GAO report.)

## THE HIGH SCHOOL EQUIVALENCY EXAMS<sup>4</sup>

There are four (4) ways an adult may achieve a certificate of high school equivalency. (See Appendix, Item 5, for a list of the states and which test or program each uses.)

### Tests

First is the GED® Test. It is administered by the GED® Testing Service (also “GEDTS®”), a joint venture of the American Council on Education and Pearson VUE. Pearson VUE, a for-profit entity, is a division of Pearson, an educational publisher. Pearson VUE is primarily involved in delivering/securing credentialing/certification exams. The GED® Test is a computer-based exam. **In twenty-nine states the GED® Test is the only high school equivalency test given.** In thirteen (13) states and the District of Columbia, it is given but other options to achieve high school equivalency are given. (Thus forty-two (42) states and D.C. use the GED® test.)

Second is HiSET®, an exam developed by Educational Testing Service (ETS®) in Princeton, New Jersey, and the University of Iowa's Iowa Testing Programs. ETS® is the world's largest nonprofit educational testing and assessment organization. Thirteen (13) states, including California, now use the HiSET® test. The HiSET® is a paper-based or computer-based exam; participating states determine which form(s) is given.

Third is the Test Assessing Secondary Completion (TASC™) developed by CTB/McGraw-Hill™, the New York City-based for-profit educational publisher. The TASC™ is available both on paper and computer. It is given in seven (7) states, including California.

### National External Diploma Program

Finally is the National External Diploma Program ([www.casas.org/nedp](http://www.casas.org/nedp)). The National External Diploma Program (NEDP) is not an exam, but an applied performance assessment system that assesses the high school level skills of adults and out-of-school youth.

The NEDP evaluates the reading, writing, math and workforce readiness skills of participants in life and work contexts. The NEDP assesses high school level skills awarding a traditional diploma so graduates can meet their academic and career goals, and is designed for self-directed youth and adults with life and work experiences and a general familiarity with the computer. This online approach to meeting high school diploma requirements offers flexible scheduling and confidentiality for both instruction and testing.

The NEDP evaluates 70 competencies in ten content areas including Financial Literacy, Health Literacy, Civic Literacy, Geography, History, Science, and Twenty-First Century Workplace, as well as competencies that are based on skills outlined in the Common Core College and Career Readiness standards.

A Ford Foundation grant to the Syracuse Research Corporation in 1972 launched a study to discover the reasons why the “over 25” adult population was not earning their credential through existing high school completion programs. Adults interviewed indicated that:

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<sup>4</sup> On an editorial note, throughout this report underlining and text bold have been employed to highlight certain language. The purpose is to aid the reader in locating important points or issues raised. Also, throughout the report the masculine pronoun has been used; again this is to aid the reader by not adding unnecessary verbiage.

- Adult education class schedules were not compatible with adult responsibilities;
- Content did not relate to real life experiences; and
- Multiple choice, paper-pencil test format was too limiting.

In response, the National External Diploma Program (NEDP) was created and launched in Syracuse, New York in 1975. Because of the success of NEDP for adults in New York, the program expanded to other states as an alternative option for adults to earn a high school diploma. In 1979, the U.S. Department of Education, through the National Diffusion Network (NDN) recognized the NEDP as an exemplary program worthy of national dissemination. On July 1, 2006, the Comprehensive Adult Student Assessment Systems (CASAS), with assistance from the Connecticut, Maryland, and New York State Departments of Education, acquired the rights to the NEDP.

Currently, seven states offer the NEDP: Connecticut, District of Columbia, Maryland, New York, Rhode Island, Virginia, and Washington.

## What is the GED® Test?

The General Educational Development (“GED®”) Test has four content areas—literacy, mathematics, science, and social studies—that measure a foundational core of knowledge and skills that are essential for career and college readiness. When passed, it certifies that the test taker has American or Canadian high school-level academic skills. Passing the GED® Test gives those who did not complete high school the opportunity to earn their high school equivalency credential.

The GED® Test is administered by the GED® Testing Service (also “GEDTS®”), a joint venture of the American Council on Education and Pearson VUE. Pearson VUE is a division of Pearson, a for-profit educational publisher. Pearson VUE is a world-wide and extensive presence in computer-based-testing. It manages and delivers tests for over 400 credentialing organizations including groups as diverse as the Texas Medical Board, Pharmacy College Admission Test, Colorado Electricians, and Graduate Management Admission Test (<http://home.pearsonvue.com/About-Pearson-VUE/Discover-Pearson-VUE.aspx>). The GED® test costs \$120 to take.

The current version of the GED® Test was released on January 2, 2014. The GED® Test is only available in a computer format via Pearson VUE’s proprietary computer-based platform. Paper tests, which were available prior to the release of the current version, are no longer available to test-takers except as an approved accommodation. (This seems to be limited to people who have vision issues that prevent them from using a computer monitor.) Some adult education experts have concerns about the limitations placed on access to the paper-based platform because there is concern many adults who take high school equivalency exams do not have regular access to a computer and the internet, and so are not fluent on a keyboard or computer. This is especially a concern in rural areas where internet access may be very limited. (McGraw, Daniel, “Nearly 500,000 Fewer Americans Will Pass the GED in 2014 After a Major Overhaul to the Test. Why? And Who’s Left Behind,” Cleveland Magazine, December 17, 2014. <http://www.clevescene.com/cleveland/after-a-major-overhaul-to-the-ged-test-in-2014-18000-fewer-ohioans-will-pass-the-exam-this-year-than-last-along-with-nearly-500000-across/Content?oid=4442224>) In contrast to the GED® Test, the HiSet® and TASC™ both allow all test-takers to take the paper-based test.

The GED® Test is given in 42 states and the District of Columbia, and in 31 of these states, the GED® Test is the only test given to achieve high school equivalency. In 2013, before Pearson VUE took over administration of the test, about 700,000 test takers took the GED® Test (Cardoza, Kavitha, “The GED Test is about to get much harder, and much more expensive,” The Atlantic, October 8, 2013, <http://www.theatlantic.com/education/archive/2013/10/the-ged-test-is-about-to-get-much-harder-and-much-more-expensive/280281/>)

The number of GED® test-takers since Pearson VUE became the sole administrator of the test on January 2, 2014 is not yet available. (Higgins, Lori, “GED overhaul: Tougher test, less success,” Detroit Free Press, January 26, 2015, <http://www.freep.com/story/news/local/michigan/2015/01/24/ged-overhaul-leads-steep-declines/22277991/>)

## GED® Test - Two Levels of Certification

There are two levels of GED® certification, and the individual’s test scores determine which certification he or she earns. Thus, how well a test-taker performs on the GED® Test is very important. It is not enough to just achieve a passing score; how well a student performs determines his academic and employment opportunities from there.

The first level is the “**Passing Standard for High School Equivalency**” certification. Test results on the current test edition are expressed as standard scores ranging from 100-200. Jurisdictions award a high school credential to individuals who earn at least 150 scaled score points on each of the four content area modules (that is, a total average standard score across the four modules of 600). This performance level is based on the results of the Standardization and Norming Study conducted by GED Testing Service® in 2013.<sup>5</sup>

The second level is the “**GED® Score with Honors.**” On any individual content area module, test-takers can achieve this higher performance level by obtaining a scaled score of 170 or above. This score is reflective of performance consistent with readiness to complete credit-bearing first-year postsecondary courses with a grade of “C” or better, and is currently being validated through an ongoing program of longitudinal research.

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<sup>5</sup> However, some concerns have been raised about the norming of the math section of the new test. GEDTS® has made three significant changes to the GED® Mathematical Reasoning Test since the new 2014 GED® Test was released in January 2014 (See Appendix, Item 5).

## **What is the HiSET® Exam?**

The HiSET® exam demonstrates a test-taker has attained the academic knowledge and proficiency equivalent to those of a high school graduate. Information from the exam helps identify the areas where test takers are career and college ready, as well as areas where they may need additional preparation.

Test takers are tested in five core areas: Language Arts – Reading, Language Arts – Writing, Mathematics, Science, and Social Studies. Test content is aligned with current practice in all states and jurisdictions. Test takers are given scores in all core areas, as well as a total score. Twelve (12) states, including California, now use the HiSET® test. The HiSET® is a paper-based or computer-based exam; the test-taker chooses the format. (This is significant because many adult education experts believe many adults who take high school equivalency exams do not have regular access to a computer and the internet, and so are not fluent on a keyboard or computer, especially those in rural areas.)

The HiSet ® exam was developed by the Educational Testing Service® in Princeton, New Jersey, and the University of Iowa’s Iowa Testing Programs. The ETS®, founded as a nonprofit in 1947, provides assessments for teacher certification, English language learning, and elementary, secondary and post-secondary education, as well as conducts education research, analysis and policy studies. ETS® develops, administers and scores more than 50 million tests annually — including the TOEFL® and TOEIC® tests, the GRE® General and Subject tests, the National Assessment of Educational Progress (NAEP), and the College Board® Advanced Placement Program® (AP®) exams — in more than 180 countries, at over 9,000 locations worldwide. Iowa Testing Programs (ITP) is a nonprofit research, development and outreach unit in the College of Education at the University of Iowa. The HiSet® subtest costs \$15. If a test-taker purchases all five subtests as a HiSET battery in one purchase, rather than one at a time, the cost of the HiSET battery is \$50 . There may be additional fees applied by the state or test center.

### **HiSet® - Scoring**

ETS® has set a minimum scaled score of 8 in each of the five subtests and a combined scaled score of 45 to pass the HiSET® exam. The HiSET "pass" cut score indicates that 60 percent of graduating high school juniors and seniors would pass the HiSET exam and is comparable to the level that has been used historically. This information is based on a national probability sample of high school juniors and seniors. The HiSET minimum scaled scores are empirically based.

The HiSET exam also has a College and Career Readiness (CCR) score. The CCR score is the point at which test takers maximize their success in credit-bearing college level coursework. Test takers would need to achieve a 15 in each subtest to demonstrate college and career readiness, for a combined score of at least 75.

## **What is the TASC™ Test?**

The Test Assessing Secondary Completion™ (TASC™) Test is a national high school equivalency assessment that assesses five subject areas including Reading, Writing, Mathematics, Science, and Social Studies. It measures examinees' levels of achievement relative to that of graduating high school seniors, and career and college readiness, as outlined by the Common Core State Standards.

Three forms of TASC test are available each year in English and Spanish, both computer-based and in paper-and-pencil format; the test-taker chooses which format. TASC's alternative forms available via special testing include large print, Braille, and audio. The TASC™ Test costs up to \$92 to take; each state determines the fee.

The TASC™ Test was developed by CTB/McGraw-Hill (CTB/McGraw Hill). CTB/McGraw Hill is a for-profit corporation established in 1926 and is significant partner in educational assessment. For more than 45 years CTB/McGraw Hill has developed and overseen the Tests of Adult Basic Education, a premier measure of achievement used by educators, states, and employers to assess the knowledge and skills of adult learners.

## **TASC™ Scoring**

TASC Test Assessing Secondary Completion™ cutscores were set for each of the five TASC test subject area tests (Language-Arts Reading, Language-Arts Writing, Mathematics, Social Studies, and Science). To pass the TASC test at the overall level an examinee must pass each subject area test. That is, there is no additional requirement to pass TASC test at the overall level—examinees must simply achieve at least the minimum passing requirements for each subject area test.

The minimum passing score is 500 for Reading, Mathematics, Science, and Social Studies. The TASC Writing subtest has one additional requirement—the examinee must score at least 500 and achieve at least a two out of the eight possible points on the Writing essay.

## **HOW DOES A TEST-TAKER REGISTER TO TAKE AN EXAM?**

### **The GED® Test**

Test-takers register to take the GED® Test online at <https://ged.com/>, where each test-taker must first sign up for a My GED™ account. Once the account is established, the test-taker can use the account to find GED® testing centers, schedule a test, receive testing results, apply for accommodations, receive notifications from GEDTS® regarding their accommodations request status, and communicate with GEDTS® via email regarding their account needs.

There are more than 3,200 Official GED® Testing Centers in the United States. Testing centers are controlled environments approved by Pearson VUE, most often in adult-education centers, community colleges, and public schools. On the GED® Test website at the MyGED™ page, there is a link at the bottom of the page, “Locate a test center.” Clicking this link brings a test-taker to a page with a search feature to locate GED® Testing Center.

### **The HiSET® Exam**

Test-takers register to take the HiSet® Exam online at <http://hiset.ets.org/> or at a test center; this is determined by each participating state’s requirements. The test is administered at state-approved test centers, such as community colleges and adult education center. The locations of test centers are ascertained via a search function on the HiSet® web site. The website instructs test applicants to call HiSet® or visit a test center, if there are any questions. On the HiSet® home page, there is a link titled “Contact Us;” when clicked it brings the test-taker to the HiSet® phone number.

The HiSet® website includes the pdf of its “HiSet™ Test Taker Bulletin 2014.” The Bulletin explains how a test taker registers for an exam. The steps to register are unambiguously outlined at page 2.

### **The TASC™ Test**

To register for the TASC™ Test, a test-takers register goes to the TASC website, <http://www.tasctest.com/> . Here the test-taker is instructed to click a link for the state in which the test-taker wishes to take the test. For example, a test-taker in New York is instructed:

New York: To find a TASC test center please visit:  
<https://newyork.tasctest.com>

A test-taker then enters his address, and is brought to a page with information on registering for the test and on nearby testing centers. The test-taker decides whether to take the test in a paper or computer format.

## **HOW DOES A TEST-TAKER WITH A DISABILITY APPLY FOR ACCOMMODATIONS?**

### **The GED® Test**

A test-taker with a disability who wishes to obtain testing accommodations would go to the GED Testing Service® website. He must first click “Public,” then click “Programs & Services.” Here under 2014, is a heading “Accommodations,” clicking this link takes the test-taker to the page “Accommodations from the GED Testing Service.” On this page, click “U.S. Test Takers.” The test-taker is then on the page concerning “GED Testing Service Accommodations.”

The test-taker then creates a MyGED account at [www.GED.com](http://www.GED.com). Once this account is established, the test-taker is directed to print and complete the “accommodations request form for your disability.” The test-taker attaches the required documentation to the form, then faxes all the forms and documents to the GED Testing Service®.

The GED Testing Service® at the last page of each of its Request Forms provides an email address for inquiries: Questions? Email us: [accommodations@gedtestingservice.com](mailto:accommodations@gedtestingservice.com).

In contrast to the HiSet® and TASC™, the GED Testing Service® does not provide a phone number to its disability services office so test-takers may contact the GED Testing Service® if they have questions.

The process to request accommodations from the GED Testing Service® initially seems very straightforward. However, once one starts to read the content of the forms and instructions, the GED Testing Service® process may get confusing.

To start, for the GED Testing Service® Test Accommodations (Reasonable Adjustments) there are fourteen (14) forms or instructions ranging in size from two (2) to six (6) pages. Together these forms are nearly 40 pages. A test-taker must go through all of them to be certain he is following all the instructions applicable to him and using the correct forms and guidelines.

<http://www.gedtestingservice.com/testers/computer-accommodations>

To begin the process, a test-taker is instructed to complete an Accommodations Request Form. The first way the GED Testing Service®’s application for accommodations process differs from those used by other testing entities, as described below, is that each category of disability has a separate form. There are five separate GED Testing Service® Accommodation (Reasonable Adjustments) Request Forms: (1) Intellectual Disabilities, (2) Learning and Other Cognitive Disabilities, (3) Attention Deficit Hyperactivity Disorder, (4) Psychological and Psychiatric Disorders, and (5) Physical Disorders and Chronic Health Conditions.<sup>6</sup>

An important point to note is that, by comparison, the HiSet® and TASC™ have one request form regardless of the disability type.

At first impression, this may seem to help a test-taker. But, in truth, many test-takers with disabilities have co-occurring impairments. For instance, a test-taker may have dyslexia, ADD and anxiety. Is the test-taker to submit three (3) separate forms? How is the evaluator’s report to be referenced? Will the Request Forms and reports be reviewed at the GED Testing Service by one evaluator

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<sup>6</sup> Since the Research Group’s primary concern in this report is adults with learning disabilities, this analysis will focus primarily on (1) Learning and Other Cognitive Disabilities, and (2) Attention Deficit Hyperactivity Disorder (hereinafter, the “LD Request Form” and “ADHD Request Form”).

so the disabilities can be considered *in toto*, or will there be three separate evaluators who will only see one part of the test-taker’s documentation and forms.

Additionally, Section 2 of the Request Forms asks for the Requested Accommodations in a potentially confusing format that invites errors and omissions. The form states:

Please indicate what accommodations you are requesting, and provide a rationale for each:

Accommodation:

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Rationale:

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Again, on first impression this may seem to give a test-taker flexibility in what accommodation to request. But in practice it results in a “read my mind” scenario. The test-taker, and/or evaluator, must guess what are permitted accommodations, is the rationale provided in language acceptable to support the requested accommodation, is the language used to describe the accommodation acceptable? Does one write “double-time,” or “100% extended time” or “100% extra time”?

By comparison, as discussed below, the Hi-Set® and TASC™ provide a list of testing accommodations that are typically requested, with a blank line for other accommodations requested.<sup>7</sup> The result is that expectations between these testing entities and a test-taker are clear. There is less chance for a test-taker to make a clerical mistake in his request for accommodations, and thus more likely a test-taker with a disability will have ready access to testing accommodations.

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<sup>7</sup> The College Board and ACT forms also provide a list of testing accommodations typically requested. Indeed, the College Board states its “lists are not exhaustive,” and invites an applicant who doesn’t see a requested accommodation on its list, to “submit it anyhow.”

## HOW DOES A TEST-TAKER WITH A DISABILITY APPLY FOR ACCOMMODATIONS

### The HiSET® Exam

A test-taker with a disability who wishes to obtain testing accommodations can access instructions by first going to the HiSet® website, click “For Test Takers,” and then click the live link, “accommodations for test takers with disabilities and health related needs,” (<http://hiset.ets.org/take/disabilities/>)

This will take the test-taker to a page titled, “Accommodations for Test Takers with Disabilities or Health-related Needs.” This page includes a list of diagnosed disabilities typically allowed accommodations, and typical accommodations. Both these lists are not exhaustive. It also list supports permitted by ETS® to all test-takers, even those without a documented disability. These include things such as earplugs, prescription medication, service animals, and highlighters.

This web page also clearly and in bold instructs the test taker:

**Note: All test takers requesting any accommodations must register by mail through ETS Disability Services and have their accommodations approved before their test can be scheduled. ...**

... Test takers requesting accommodations cannot schedule an appointment [to take the HiSet® exam] through their HiSET account. Once your accommodations have been approved, **you must contact ETS Disability Services to schedule your appointment.** (Emphasis in original.)

This page then directs the test applicant to the “HiSet® Test Taker Bulletin 2014.” The Bulletin explains how a test-taker registers for an exam. The Bulletin at page 2 includes, “Request disability accommodations if necessary,” and directs the test taker to page 11. And, then at page 5 lists diagnosed disabilities that may be allowed accommodations and commonly approved accommodations for paper- and computer-based tests.

The Bulletin at page 11 includes the section on “Accommodations for Test Takers With Disabilities or Health-related needs.” Page 12 provides contact information for the ETS HiSet Disability Services Office, including a toll-free direct phone line number to this Office. Following this contact information are clear instructions on how to request accommodations, and a list of frequently approved accommodations.

The Bulletin at page 16 includes the HiSet Testing Accommodations Request Form. It is five (5) pages with three (3) parts. Part I allows a test applicant to note on one form all the disabilities that apply. This includes a list of well-known disabilities, as well as a line to add “Other” disabilities.

Part II asks for the Testing Accommodations Requested. It has a checklist of typically requested accommodations, as well as a section for “Other Accommodations Requested.” Two things are notable on this part of the Request Form: (1) a test applicant doesn’t have to write his own description of the requested accommodation – many are clearly listed, and (2) it doesn’t require justification be included next to each requested accommodation – it assumes the required documentation submitted with the Request Form will set this out.

Part III is the Documentation Requirements. This provides checklists for the documentation for different disabilities. The Request Form directs the test applicant to visit [www.ets.org/disabilities](http://www.ets.org/disabilities) to view

full documentation requirements. Of note here is that the Part III includes in the Additional Documentation checklist, “Your Personal Statement,” although the suggested contents for the Personal Statement are not provided. It also lists “Letter from Rehab Counselor or Case Manager,” as possible as Additional Documentation.

## HOW DOES A TEST-TAKER WITH A DISABILITY APPLY FOR ACCOMMODATIONS?

### The TASC™ Test

A test-taker with a disability who wishes to obtain testing accommodations can access instructions by first going to the TASC™ website, click “Test Takers,” and this brings the test-taker to a page titled, “TASC Test Information For Test Takers.” On this page there are two places a test-taker with a disability can click a live link for information. At the top is a banner, if one puts the cursor over “Taking TASC Test,” additional headings appear including “Accommodations for Disabilities.” In addition, on this page (TASC Test Information For Test Takers) at the bottom is an image with the title, “Get Support for Special Needs.” Both these links bring the test applicant to a page titled, “Accommodations for Disabilities.” <http://www.tasctest.com/special-needs-accommodations.html>

On this page is a general introduction to accommodations and lists the alternate formats the TASC® is available, in both English and Spanish: Braille, large print editions, and audio. The web page also includes a list of TASC form documents that may be helpful to the test applicant.<sup>8</sup> The first is a document titled TASC Test Allowable Resources which lists supports permitted to all test-takers, even those without documented disabilities. These include things such as blank place markers (i.e., yellow stickies), cushion, highlighters, erasers, and a magnifier device. The Examinee, in order to alert the test center he will use some allowable resources, is instructed to:

... submit the Prior Notification Form to the Test Coordinator at their testing center when scheduling the testing date. Some allowable resources are provided as tools within the computer-administered version of TASC. The Test Coordinator may need to change system settings to provide examinees with access to these tools. The examinee should provide prior notification to the testing center for those computer-based features to be available.

The TASC Prior Notification Form is provided on this web page.

The next is a very helpful document, TASC Test Special Testing Accommodations Descriptions. **Here it is important to note at page 3** it states:

The paper-based English and Spanish tests are also available in alternate formats including large print and Braille. **These alternate formats are available to any TASC examinee without formal approval from CTB/McGraw-Hill—they are not considered special testing accommodations.** (Emphasis added.)

The Subcommittee is not aware of any other testing entity that has this policy.

The Accommodations Descriptions document then goes on to list special accommodations that may be authorized under TASC™ special testing accommodations. Descriptions of each accommodation

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<sup>8</sup> • TASC Test Allowable Resources

- TASC Test Special Testing Accommodations Descriptions
- TASC Test Special Testing Accommodations Request Form
- Examinee Guidelines for Requesting TASC Test Special Testing Accommodations
- Evaluator Guidelines for Requesting TASC Test Special Testing Accommodations
- TASC Test Prior Notification Form
- TASC Test Special Testing Accommodations Approval Criteria

are clearly written, and the list is presented in a chart format and easy to follow. The list concludes with the accommodations “Other,” and states

Accommodations not otherwise listed may be approved based on the Evaluator’s recommendation and the Examinee’s particular needs. Special arrangements may be required to support such accommodations and not all testing centers may be able to provide all approved accommodations.

“Other” accommodations are only available for the Paper Based Test. One accommodation not listed in this chart is a “Reader.” It would be interesting to learn if Readers are readily approved by CTB/McGraw Hill, and for what disabilities.

The next document is the **TASC Test Special Testing Accommodations Request Form**, including the cover and back pages, is nine (9) pages long. The first page provides step-by-step instructions on how an Examinee with a disability applies for test accommodations. (CTB/McGraw Hill refers to a test applicant as an “Examinee,” thus throughout the TASC discussion, that term will be used.)The Form then has four (4) sections.

Section One is to be completed by the Examinee. It asks for the standard information for name and address. It also includes a “Release of Information,” to allow the sharing of records with CTB/McGraw-Hill. It also includes a section for an Examinee Advocate to complete. Section One does not include a specific place for the Examinee to give permission for CTB/McGraw-Hill to communicate directly with the Advocate. It would be interesting to learn if CTB/McGraw-Hill considers the Examinee’s signature on this page that permission.

Section Two is to be completed by the Evaluator. It asks for information on the Evaluator including License/Certification information. Section 2.2 asks for the Evaluator to note the Disability Category; the form provides a short list and states “Mark One or More” disability category may be noted.

Section 2.3 requires the Documentation of the Examinee’s Need for Accommodations. It first asks the Evaluator to review TASC Test Special Testing Accommodations Approval Criteria . At Item 1 it refers the Evaluator to Section 2.4 which is a chart listing accommodations, and then asks the Evaluator to explain “how *each* recommended accommodation mitigates the impact of the Examinee’s disability.” (Emphasis in original.)

Section 2.3 then asks for the Specific Diagnostic Classification (and the DSM 5 Code if applicable) and the date of the evaluation. Items 5, 6 and 7 ask for a summary of the key objective measures used in the evaluation, a description of the level of disability, and a description of the effect of the disability on the Examinee’s performance on assessments. A diagnostic Evaluation Report must be attached.

It is notable that the Evaluator does not have to write his own description of the requested accommodation – many are clearly listed. However, Section 2.3 does require the Evaluator on the Request Form to (1) explain “how *each* recommended accommodation mitigates the impact of the Examinee’s disability,” and (2) to provide other information that is already included in the diagnostic Evaluation Report. It is unclear why CTB/McGraw-Hill requires the completion of this section when this information will already be in the documentation submitted. However, it does not seem this is a restatement of assessments and scores to prove to CTB/McGraw-Hill the Evaluator’s diagnosis and recommendations.

Section Three is to be completed by the TASC Test Coordinator. This is not someone at CTB/McGraw-Hill, but rather a person at the site where the Examinee plans to take the test. At the bottom of Section Three are instructions to the TASC Test Coordinator on how to submit the Request Form; it may be submitted by either email, fax or mail. A street address and toll-free number are provided, as well.

Section Four is to be completed by the TASC Accommodations Administrator. This is someone at CTB/McGraw-Hill. Section Four is a review checklist, resulting in the decision. The decision letter is then mailed to the Examinee.

The next document on the web page titled, “Accommodations for Disabilities,” is the Examinee Guidelines for Requesting TASC Test Special Testing Accommodations. This provides more detailed step-by-step instructions to the Examinee on the process, and includes a Frequently Asked Question section and provides a toll-free direct phone number for the disability services office. <http://www.tasctest.com/special-needs-accommodations.html>

The other documents provided here are directed to the Evaluator. These are the Evaluator Guidelines for Requesting TASC Test Special Testing Accommodations and TASC Test Special Testing Accommodations Approval Criteria. The Evaluator Guidelines walks an Evaluator through the Request Form, and essentially restates the information provided here in the preceding paragraphs. Page 7 sets out what is required to be in an Evaluation Report, and includes a table with Requirements for Evaluation. This lists the Disability Category, followed by the Qualified Evaluator, and then the Evaluation Currency Requirements.

## **HOW DOES A TEST APPLICANT SUBMIT THE APPLICATION FOR ACCOMMODATIONS?**

### **The GED® Test**

The GED Testing Service® requires that the Request Form and accompanying documentation be faxed to them. On the last page of each Request Form it states:

“Fax requests and documentation to 202-464-4894”

It is not possible to submit the request and documentation via mail or email. This creates a barrier in two ways. First, the test-taker must have access to a fax machine. Even someone with a computer and printer at home may need to find an outside location with accessible hours, such as Staples, FedEx/Kinko’s or the UPS Store, to send a fax.

And then, there is the high cost to send a fax. FedEx/Kinko’s charges \$2.19 a page to send a fax to a long-distance phone number. As an example, a test applicant’s Request Form and documentation is thirty-three (33) pages. To fax at FedEx/Kinko’s this would cost about \$70 with tax. To send the form and documentation by U.S. Mail would be the cost of the copies (\$3.63), envelope (\$1), and postage (\$2.45) - \$7.08. Thus to send the documents by fax will increase the cost to request accommodations by almost \$65.

### **The HiSET® Exam**

ETS® directs a test-taker to mail in his application for accommodations. Page 15 of the Bulletin instructs the test applicant:

Submit completed forms, all appropriate documentation and the proper fee for the test you are taking. An incomplete application will cause a delay in processing your request.

Send completed requests to:

Mail: ETS HiSET Disability Services  
PO Box 6054  
Princeton, NJ 08541-6054

Courier:ETS HiSET Disability Services  
225 Phillips Boulevard  
Ewing, NJ 08628-1426

### **The TASC™ Test**

Page 2 of the Request Form instructs the Examinee:

... In order to apply for Special Testing Accommodations for the TASC, this request form should be completed by the TASC Examinee (with the support of an Advocate, if desired) and by a licensed professional Evaluator. The Examinee should deliver the completed form to the TASC Test Coordinator at the local testing site for processing and verification. Once it is verified, it is to be submitted to CTB/McGraw-Hill’s TASC Accommodations Administrator for review and approval. (Emphasis added.)

Then on page 7 of the Request Form the following instructions are given to the TASC Test Coordinator:

When Sections 1 through 3 are complete, email, fax, or mail this request form and supporting documentation to:

CTB McGraw-Hill LLC  
Attn: TASC Accommodations Administrator  
c/o Customer Service Department  
6901 N Michigan Road  
Indianapolis, IN 46268

Email: TASC\_Helpdesk@ctb.com  
Toll-free Telephone: 888-282-0589  
Toll-free FAX: 877-800-9389

This information is provided in a number of other places as well, such as the Examinee Guidelines for Requesting TASC Test Special Testing Accommodations.

### **Portal Submission**

The Subcommittee understands that the GEDTS® plans this summer to offer portal submission which will lower the cost of submission of an application for accommodations. Additional methods of submission are important, and the Subcommittee applauds the GEDTS® for this new method, however it still requires a test applicant have ready access to a computer, and the computer and internet knowledge to successfully accomplish this task. The Common Application for colleges uses a portal method for submission of applications, but most participating colleges permit applications to be submitted by mail if a student has difficulty with the technology.

## **HOW IS A REQUEST FOR ACCOMMODATIONS PROCESSED BY THE TESTING ENTITY?**

The Subcommittee is interested in learning how applications for test accommodations are processed by each Testing Entity, however it was not in a position to obtain direct knowledge of this process. The Subcommittee recommends that each of the Testing Entities be sent an inquiry on this topic.

Specifically, the Subcommittee is interested in the following information.

1. Once a Testing Entity receives a request for accommodation, how is it determined who will review the accommodations request?
2. What are the professional credentials of the Testing Entity reviewers? Are they “Qualified Professionals” as defined by federal law?
3. How many Qualified Professionals, on behalf of the Testing Entity, review each request for accommodations?
4. Are independent Qualified Professionals ever engaged to review a request for accommodations? How is it determined if a request for accommodations will be sent to an independent Qualified Professional for review?
5. When an independent Qualified Professional is engaged to review a request for accommodation, how is a conflict-of-interest avoided? If the independent Qualified Professional approves the accommodations requested, then the Testing Entity will incur additional costs in the administration of the exam? It could appear that the Qualified Professional who reviews the requests for accommodations feels pressure to deny requests in order to assure additional work from the Testing Entity. Are there protocols in place to avoid this “appearance of impropriety?”
6. If a Testing Entity allows the submission of a “Personal Statement,” “Advocate’s Statement,” or recent IEP or 504 Plan, how are these documents considered in relation to the reports prepared by the Qualified Professional? Is the IEP or 504 Plan given “considerable weight?”

## **DOES THE TESTING ENTITY READILY ACCEPT THE DOCUMENTATION AND RECOMMENDATIONS FROM A QUALIFIED PROFESSIONAL?**

The Department of Justice in its comments to the regulations is clear that testing entities should accept documentation and recommendations from a Qualified Professional<sup>9</sup> to demonstrate an individual has a disability and requires the requested accommodation:

**It remains the Department's view that, when testing entities receive documentation provided by a qualified professional who has made an individualized assessment of an applicant that supports the need for the modification, accommodation, or aid requested, they shall generally accept such documentation and provide the accommodation.** (Emphasis added.)

... The Department believes that appropriate documentation may vary depending on the nature of the disability and the specific modification or aid requested, and accordingly, testing entities should consider a variety of types of information submitted. Examples of types of information to consider include recommendations of qualified professionals familiar with the individual, results of psycho-educational or other professional evaluations, an applicant's history of diagnosis, participation in a special education program, observations by educators, or the applicant's past use of testing accommodations. If an applicant has been granted accommodations post-high school by a standardized testing agency, there is no need for reassessment for a subsequent examination.

... No one piece of evidence may be dispositive in make a testing accommodation determination. The significance of a letter or other communication from a doctor or other qualified professional would depend on the professional's relationship with the candidate and the specific content of the communication, as well as how the letter fits in with the totality of the other factors used to determine testing accommodations under this rule. Similarly, an applicant's failure to provide results from a specific test or evaluation instrument should not of itself preclude approval of requests for modifications, accommodations, or aids if the documentation provided by the applicant, in its entirety, is sufficient to demonstrate that the individual has a disability and requires a requested modification, accommodation, or aid on the relevant examination. This issue is discussed in more detail below.

...

Commenters also sought clarification of the term **individualized assessment**. The Department's intention in using this term is to ensure that documentation provided on behalf of a testing candidate is not only provided by a qualified professional, **but also reflects that the qualified professional has individually and personally evaluated the candidate as opposed to simply considering scores from a review of documents. This is particularly important in the learning disabilities context, where proper diagnosis requires face-to-face evaluation.** Reports from experts who have personal familiarity with the candidate should take precedence over those from, for example, reviewers for

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<sup>9</sup> The term "Qualified Professional" is never specifically defined in the federal laws or regulations, however in its comments accompanying the published regulation the Department of Justice refers to "a professional with expertise relating to the disability in question" as the person qualified to make an individual assessment. 28 CFR p. 785 (7-1-12 Edition)

testing agencies, who have never personally met the candidate or conducted the requisite assessments for diagnosis and treatment. (Emphasis added.)

28 CFR pp. 784 – 785 (7-1-12 Edition)

### **The GED® Test**

The GED Testing Service®’s procedure for reviewing requests for accommodation does not seem to comply with the standards established in the ADAAA, the Regulations, and the Department of Justice comments because it requires, in addition to submission of the comprehensive neuropsychological or psychoeducational evaluation report, the completion of a worksheet in order to demonstrate to the GED Testing Service®’s evaluator that the test-taker does indeed have a disability and the requested accommodations are appropriate. It is unclear why the GED Testing Service® would require this detailed information.

For example, the LD Request Form includes four (4) pages in which the test-taker (or the evaluator) must fill-in the blanks with the scores for the each test administered to the test-taker. It appears the GED Testing Service®’s own evaluators do not accept the conclusions and recommendations of the test-taker’s own Qualified Professional, and the GED Testing Service®’s evaluator makes his own determination on whether the test-taker has a disability and requires accommodations based solely on the test scores without individually and personally evaluating the test-taker which, as the Department of Justice notes “is particularly important in the learning disability context, where proper diagnosis requires face-to-face evaluation.”<sup>10</sup>

Several of the cases of Test Applicants who applied for accommodations on the GED ® Test demonstrate this may indeed be the situation. <sup>11</sup> (A summary of each Test Applicant’s experience is provided in the Appendix, Item 3.)

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<sup>10</sup> The GED Testing Service®’s Request Forms also seem to question and supplant the professional judgment of the Qualified Professional who prepared the evaluation. On the ADHD Request Form they state:

NOTE: In most cases, extra time is NOT an appropriate accommodation for ADHD, because by definition individuals with ADHD have trouble sustaining attention over time. Please carefully consider alternative accommodations. [Emphasis in the original.]

Similar language appears in the Request Form for Psychological & Psychiatric Disorder.

Related to this, in the ADHD Request Form the GED Testing Service® admonishes the Qualified Professional:

Meeting DSM-IV-TR criteria for ADHD: In order to be diagnosed with ADHD, there must be evidence of symptoms that led to substantial impairment, prior to the age of 12, and that the current symptoms cannot be better accounted for by another disorder or other explanation. There must be evidence of current impairment in two or more life settings (academic, social, vocational). [Emphasis in original.]

It is of grave concern that the GED Testing Service® makes this recommendation to Qualified Professionals. First, a Qualified Professional will already know how to apply the requirements of DSM. And second, the GED Testing Service® evaluator does not have direct knowledge of the test-taker, so how does he know extended time is NOT an appropriate accommodation.

<sup>11</sup> **It is important to note here that the Subcommittee considers a “partial approval” and a request for more documentation a “denial.” This methodology may differ from the record-keeping employed by the GED Testing Service® regarding approvals of requests for accommodations.**

### Test Applicant No. 1

In one case, an adult educator who responded to the Survey related a case where the Qualified Professional's recommendation for accommodations for just one subtest for Test Applicant No. 1 was ignored because "GED requires the candidate to use ALL of the approved accommodations on each test, regardless of the individual need; moreover this requirement is not stated anywhere on the website.

It is not unusual for a test-taker to only need a specific accommodation for one subtest; for instance he may need a reader for science, but not the math section. Indeed, if he has someone read the math section, he may fail the test because he is unfamiliar with accessing the material in this manner. This requirement by GED Testing Service® disregards the conclusions and recommendations of Test Applicant No. 1's Qualified Professional. Moreover, other testing entities regularly just approve accommodations for subparts; for example the College Board separately approves accommodations for the Math, Reading and Writing sections of the SAT.

### Test Applicant No. 2

Test Applicant No. 2 is a 21-year-old male who was evaluated for learning disabilities by a qualified professional, a psychologist, on March 5, 2014. The results of his evaluation determined that he has an average intellectual ability. His basic reading, reading comprehension, and writing skills were within the average range, but his math, spelling, and fluency were below average. He showed a pattern of strengths and weaknesses within cognitive processes and related areas of achievement. There was a significant discrepancy between his cognitive ability and math problem solving, math calculation, spelling, reading fluency, and writing fluency, and a specific learning disability was identified. In addition, he had a diagnosis of AD/HD. The psychologist recommended standard time plus 50% and the use of a calculator as appropriate testing accommodations.

Test Applicant No. 2 applied for GED® testing accommodations on March 22, 2014. He received an e-mail from GEDTS® regarding his accommodations request on June 13, 2014. He was approved for standard time plus 50%, but was denied the use of a calculator. The reason given was that "The 2014 version of the GED® test includes a drop-down calculator available to all test-takers for questions where a calculator is allowed. Since this is a standard option, it does not require an accommodation approval."

The first five questions of the math section do not have a drop-down calculator, and Test Applicant No. 2 appealed. GEDTS ® responded, "When GEDTS® developed the new test, they left the first 5 questions on the math test without a calculator to measure calculation skills. It was their decision that a calculator not be allowed for these 5 questions. The drop down calculator is available for the rest of the test, and on the Science and Social Studies module." Without a calculator for the entire test, Test Applicant No. 2 declined to take the GED® Test.

Prior to 2014 a calculator was allowed as an accommodation for test-takers who have a math disability. With a calculator as an accommodation these individuals can demonstrate they meet a core standard. Without the calculator, not only will these individuals fail to demonstrate their ability to meet the core standard; but also, their overall math score will be lower than what it could be with the use of a calculator. Since the GED® score determines which level of certificate the student earns, as well as whether or not the student may be accepted into an apprenticeship program, the refusal to allow a calculator as a reasonable accommodation for students with math disabilities places a barrier to those students.

### Test Applicant No. 3

In the case of Test Applicant No. 3, a qualified professional concluded that Test Applicant No. 3 has a (1) Learning Disability (NOS) and (2) a Disorder of Written Expression. The qualified professional recommended that Test Applicant No. 3 request and receive the accommodations of 100% extra time, audio format, and a scribe for all testing situations.

GEDTS® responded to the request as “approved with changes.” They approved the use of standard time plus 25%, but denied the requests for standard time plus 100%, audiocassette testing format, and the scribe. The reason for no audiocassette format or scribe was that, “Evaluation report/letter includes evidence that does not support, or that contradicts, the use of the requested accommodation.” GEDTS®’s reason for the denial of double time was, “An alternate accommodation that is more appropriate based on the evidence has been approved.”

Test Applicant No. 3 appealed and underwent additional testing with another qualified professional (Ph.D.) who concluded Test Applicant No. 3 has a (1) Reading Disorder 315.0, (2) Disorder of Written Expression 315.2, and (3) Learning Disorder NOS 315.9 (visual/perceptual/motor difficulty which affects all writing tasks/tests including math calculation).

Test Applicant No. 3 then requested the audiocassette format with extended time and additional supervised breaks. GEDTS® responded to the appeal with a denial for the audiocassette format and extended time, and marked the request for additional breaks as “incomplete,” stating that, “Evaluation report/letter does not sufficiently demonstrate the need for the following accommodation.”

This time the GEDTS® stated, among other things, “[The test applicant] is reportedly ‘an experienced millwright,’ a job requiring the ability to use visual, perceptual, and motor skills to construct and/or maintain machinery, and must be able to read blueprints and other schematics to enable them to perform these tasks,” in denying the audiocassette format.

It is of grave concern that the GEDTS® has concluded that Test Applicant No. 3 does not need accommodations, and indeed states there is a “more appropriate accommodation” when the GEDTS® has not conducted an individual assessment of Test Applicant No. 3 (who had already been evaluated by two separate Qualified Professionals).

### Test Applicant No. 4

In another case, a 43-year-old woman with a hearing impairment and a previously diagnosed learning disability sought testing accommodations (Test Applicant No. 4). To obtain the current learning disability documentation needed to request and receive accommodations on the GED® test, she was re-evaluated for learning disabilities. The results of the evaluation were (1) Reading Disorder 315.0, (2) Math Disorder 315.2, and (3) Disorder of Written Expression 315.2. The psychologist recommended the following testing accommodations: private room for testing, extended time (standard time plus 100%), and additional supervised breaks.

GEDTS® denied her request for accommodations. The reason given was, “Evaluation report/letter is incomplete – the report is too brief/limited to allow for a comprehensive review.” Additionally, the GEDTS® response stated that,

“The evaluation report stated that you have a history of a significant hearing impairment, however the evaluator did not discuss what (if any) modifications were made to the standardized assessment procedures to accommodate for this hearing loss. Therefore, it

is difficult to determine if your evaluation results were a direct result of your hearing loss or of a learning disability. When providing additional information, please also include additional information on the qualifications of your evaluator, as that information was not included in the documentation provided.”

The psychologist who evaluated Test Applicant No. 4 submitted the results of the student’s audiological evaluation and her ability to read lips. Additionally, the psychologist wrote a letter that described in detail the steps taken to address any possible need to accommodate the student’s hearing impairment during testing. The psychologist also submitted a 3-page document listing her own qualifications and experience.

The GEDTS® accommodations reviewer responded that GEDTS® had denied Test Applicant No. 4’s request for extended time and breaks, but would allow a private room for testing, even though the qualified professional had diagnosed Test Applicant No. 4 with a (1) Reading Disorder 315.0, (2) Math Disorder 315.2, and (3) Disorder of Written Expression 315.2.

#### Test Applicant No. 5

Test Applicant No. 5 was 17 years old at the time he applied for accommodations and was evaluated by a K-12 school psychologist. The evaluation found significant discrepancies in the areas of reading, writing and math (more than 35 points in each area). The qualified professional’s report stated the discrepancies suggested learning disabilities. Test Applicant No. 5 requested 100% extended time, a calculator for the entire math test, and a private room for testing. He did not request a reader because he said he would not be able to concentrate with a stranger in the room. Additionally, he did not request a reader chosen by his education instructor, or text-to-speech, as these accommodations are not available for the GED® Test.

GEDTS® approved 100% extended time and a private room for testing, but not the calculator. Test Applicant No. 5 took the test with the approved accommodations; he passed, but without a “college readiness” score. His education instructor believes he would have attained the higher score with a familiar reader and a calculator. In light of the permeation today of assistive technology use by individuals with learning disabilities, the Subcommittee speculates that if text-to-speech AT was available to Test Applicant No. 5, then he may have requested this and achieved a higher score.

#### Test Applicant No. 6 (DSM-V)

Test Applicant No. 6 is a 66 year old woman who was denied all requests for accommodations on the GED® test in March 2015. She presents with the new and novel situation in which she was evaluated by a qualified professional who used the DSM-5. The DSM-5 removed the score discrepancy model from LD diagnosis, and the GED® Request for Accommodations for LD form is designed to report and compare score discrepancies.

After extensive testing, the qualified professional concluded that Test Applicant No. 6 meets the criteria for Specific Learning Disability as defined by DSM-5. Test Applicant No. 6 was diagnosed with 315.00 Specific Learning Disorder with Impairment in Reading, with Impairment in Reading Fluency and Comprehension. The evaluators recommended the following accommodations on the GED® test: audiocassette administration with standard time + 50% and a calculator. Based on this 18-page report, Test Applicant No. 6’s adult education teacher requested the following accommodations for her on the GED® test: Reader, standard time + 50%, talking calculator, private room.

The response from GEDTS® was to deny all of those requested accommodations, and the reason for each denial was the same: “There is no significant discrepancy between cognitive and academic achievement testing results.”

The narrative report included with the request for accommodations clearly and comprehensively discussed the lack of discrepancies, which should not even be a consideration when using the DSM-5, which has now officially replaced the DSM-IV as the definitive manual of mental disorders to be used by all professionals in the field.

The GEDTS®’s lack of familiarity with the requirements of the DSM-5 demonstrates whoever is reviewing the documentation for a request for accommodations may not have the professional credentials to understand and apply the diagnostic criteria required by the DSM-5. It is incongruous because in its forms the GEDTS® admonishes qualified professionals on how to apply the requirements of the DSM-IV.

### The GEDTS® Places a Heavy Burden on the Evaluator to Prove Qualifications

Additionally, the GEDTS® requires extensive documentation to prove that the evaluator is indeed a “qualified professional.” Its “Learning and Other Cognitive Disorders, Documentation Guidelines for Evaluators” requires the following:

A qualified professional must administer the tests in the evaluation. An individual is deemed to be qualified to conduct a neuropsychological or psychoeducational evaluation if s/he has had extensive graduate-level training in the area of assessment of learning disabilities with adults. This usually includes formal education and training in the history, nature, identification, and remediation of learning disabilities. The name, title, and professional credentials of the evaluator must be clearly stated in the documentation, **along with evidence of formal training and experience in the identification of learning disabilities.** The evaluator should be prepared, if asked, to provide evidence of comprehensive training and direct experience in the diagnosis and treatment of adults with learning disabilities. GED Testing Service® reserves the right to request evidence from an evaluator of their professional qualifications. Note that simply having a particular degree or license does not automatically mean that the evaluator has had sufficient formal training and expertise in learning disabilities. (Page 3, emphasis added.)

The GEDTS® requires an extensive explanation and evidence that the evaluator is a Qualified Professional. The evaluator has already met the standards of a professional organization to be licensed or certified in the field; it appears that the GEDTS® is asking the evaluator to go through this process anew to prove to the GEDTS® that the evaluator is qualified to hold this license or certification.<sup>12</sup>

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<sup>12</sup> The ACT requires “The administration of diagnostic assessments, determination of specific diagnoses, and recommendation of appropriate accommodations must be made by a qualified professional whose credentials are appropriate to the disability. The name, title, and professional credentials (e.g., degrees, areas of specialization, license or certification, employment) must be clearly stated in the documentation. For physical disabilities, documentation must be provided by a qualified physician.” It then requires the evaluator’s report to “Establish the professional credentials of the evaluator, including information about licensure or certification, education, and area of specialization.”

As discussed below, GED Testing Service®'s requirement for a Qualified Professional to prove with evidence his credentials to the GED Testing Service® is different from the documentation of credentials required by ETS® and CTB/McGraw-Hill.

#### The GEDTS® Has a Restrictive List of Acceptable Assessments

In addition to its own evaluation and conclusions of a test-taker's assessment results, the GED Testing Service® has a finite list of exactly which assessments are acceptable. (See, Learning and Other Cognitive Disorders, Documentation Guidelines for Evaluators, pages 3 – 4.) This practice is explicitly addressed and rejected by the Department of Justice in its comments to the regulations:

“ ... an applicant's failure to provide results from a specific test or evaluation instrument should not of itself preclude approval of requests for modifications, accommodations, or aids if the documentation provided by the applicant, in its entirety, is sufficient to demonstrate that the individual has a disability and requires a requested modification, accommodation, or aid on the relevant examination.”

28 CFR p. 785 (7-1-12 Edition)

As discussed below, the HiSET® and TASC™ do not require a complete restating of the scores relied upon in a professional report, nor have a restrictive list of what assessments are acceptable.

#### Are Usual and Reasonable Accommodations Approved?

Concerns have been raised about the GED Testing Service® not allowing an accommodation that is typically allowed to test-takers with disabilities.

For example, the Subcommittee has been advised that the GED Testing Service® does not offer text-to-speech as an accommodations, only readers. And, concern has been raised that a reader is only approved for test-takers with visual impairments and not for test-takers with a reading disorder such as dyslexia.

For a student accustomed to a text-to-speech program such as Dragon® Naturally Speaking, being approved for a reader may not best ensure that their true achievement levels are being measured on a timed test. Indeed, text-to-speech AT has become so widespread through programs such as Text2Speech, now available for free from the Mac App Store, that it is very likely that within a very short time almost all students who struggle with fluent reading will use it on a daily basis.

## **DOES THE TESTING ENTITY READILY ACCEPT THE DOCUMENTATION AND RECOMMENDATIONS FROM A QUALIFIED PROFESSIONAL?**

### **The HiSet® Exam**

As noted above, Part III of the HiSet Testing Accommodations Request Form is the Documentation Requirements. This provides checklists for different disabilities. The Request Form directs the test applicant to visit [www.ets.org/disabilities](http://www.ets.org/disabilities) to view full documentation requirements.

This web page provides information to Test Takers, Evaluators, and Disability Service Providers. A live link, “See Information for Evaluators,” brings one to a page titled, “For Evaluators.” This page sets out the documentation requirements in six categories: Disability Documentation, Updating Documentation, Guidelines for Writing Diagnostic Reports, Tips for Evaluators, Insufficient Documentation, and Frequently Asked Questions.

Part III of the HiSet™ Testing Accommodations Request Form asks the test applicant to,

“Please submit the primary documentation and any additional documents you wish to include for each of your diagnosed disabilities.”

The Request Form does not require the complete restatement on the Request Form of the assessments performed or the test applicant’s scores. Instead, the ETS Testing Service® provides its documentation requirements (discussed here above), and then expects the Qualified Professional to comply with these requirements in the preparation of his report including recommendations.

**One item of significance is that ETS® provides a process for test applicants with learning disabilities or ADHD to provide a “documentation update” instead of the preparation of a new comprehensive psychoeducational report.**

“For test takers with LD and/or dual diagnoses of LD/ADHD, a complete and comprehensive re-evaluation is no longer necessary for basic accommodations (i.e., time-and-one-half and rest breaks). Instead, a documentation update may be sufficient if all three of the following conditions are met:

1. The test taker has a longstanding learning disability or LD/ADHD.
2. The original diagnostic evaluation was performed using adult measures in both the ability and achievement domains (e.g., WAIS-IV, Woodcock-Johnson III, or WIAT-III) in accordance with ETS documentation criteria.
3. The test taker has received accommodations through the Disability Services office on campus or on the job through their employer's HR office.

Individuals with a longstanding learning disability or dual diagnoses of LD/ADHD who are requesting more extensive accommodations (e.g., double time, reader, scribe, separate room, calculator, etc.) are required to send their documentation along with an update (if documentation is more than five years old). The update should demonstrate the ongoing impact of the disability on academic performance. **Since intellectual functioning is typically stable in adulthood, another WAIS-IV is not required if one was conducted in the testing covered by the initial report.** For these individuals, a comprehensive update should include:

1. a historical review of earlier testing, and
2. recent achievement and/or cognitive measures which demonstrate the ongoing impact of the disability on academic performance.

**This change in policy reflects ETS's concerns about the increasing cost of neuropsychological or psycho-educational testing that many young adults with disabilities may have to bear.** (Emphasis added.)

([http://www.ets.org/disabilities/evaluators/guidelines\\_writing\\_diagnostic\\_reports/](http://www.ets.org/disabilities/evaluators/guidelines_writing_diagnostic_reports/))

An assessment of cognitive functioning is very expensive, and so not requiring a current assessment can save a test applicant up to \$1,000, thus increasing access to the exam, and thus increasing access to the exam for persons with disabilities.

### Qualifications of the Evaluator

The ETS® “Policy Statement for Documentation of Attention-Deficit/Hyperactivity Disorder (ADHD) in Adolescents and Adults, Second Edition” (2008) (“ETS® Policy Statement”) sets out the information an evaluator must include in an evaluation regarding his qualifications:

“The name, title and professional credentials of the evaluator — including information about licensure or certification, as well as, the areas of specialization, employment, and state or province in which the individual practices — should be clearly stated in the documentation. All reports should be on letterhead, typed in English, dated, signed, and otherwise legible.”

[http://www.ets.org/disabilities/documentation/documenting\\_adhd/#qualifiedprofessional](http://www.ets.org/disabilities/documentation/documenting_adhd/#qualifiedprofessional)

Although the ETS® requires an evaluator to provide his qualifications, it does not require an extensive explanation and evidence that the evaluator is a Qualified Professional. The evaluator has already met the standards of a professional organization to be licensed or certified, and has already proven he is a Qualified Professional.

### The Evaluator Can Choose Which Assessment to Use

The ETS® Policy Statement requires a complete psychoeducational or neuropsychological assessment as part of the documentation. Of note, it provides a list of suggested assessments, but does not set out and limit the assessments to be used. At page 15 of the Bulletin it states:

... The following list includes a variety of popular standardized measures for diagnosing LD and/or LD/ADHD. It is meant to be a helpful resource to evaluators but not a definitive or exhaustive listing. ...

The test results must be included in the evaluator’s report, but not set out in a worksheet for the ETS®.

### Are Usual and Reasonable Accommodations Approved?

Immediately prior to the completion of this Report, the Subcommittee received another ten (10) responses to the Survey. Some of these concern the HiSet ® Exam. In light of the urgency of the topic of this Report, the Subcommittee decided to not delay completion and submission of the Report until these individuals who responded to the Survey can be contacted. Once they have been contacted, if the Subcommittee determines the experience of any HiSet® test applicant is relevant to this Report, then an addendum with the additional information will be submitted.

## **DOES THE TESTING ENTITY READILY ACCEPT THE DOCUMENTATION AND RECOMMENDATIONS FROM A QUALIFIED PROFESSIONAL?**

### **The TASC™ Test**

As noted above, Section 2.3 of the TASC Test Special Testing Accommodations Request Form asks the Evaluator to explain “how *each* recommended accommodation mitigates the impact of the Examinee’s disability.” (Emphasis in original.)

Section 2.3 then asks for the Specific Diagnostic Classification (and the DSM 5 Code if applicable) and the date of the evaluation. Items 5, 6 and 7 ask for a summary of the key objective measures used in the evaluation, a description of the level of disability, and a description of the effect of the disability on the Examinee’s performance on assessments. A diagnostic Evaluation Report must be attached.

It is notable that the Evaluator does not have to write his own description of the requested accommodation – many are clearly listed. However, Section 2.3 does require the Evaluator to (1) explain on the Request Form “how *each* recommended accommodation mitigates the impact of the Examinee’s disability,” and (2) provide other information that is already included in the diagnostic Evaluation Report. It is unclear why CTB/McGraw-Hill requires the completion of this section when this information will already be in the documentation submitted. However, it does not seem this is a restatement of assessments and scores to prove to CTB/McGraw-Hill the Evaluator’s diagnosis and recommendations.

None of the Survey respondents raised concerns with the TASC™ Test and approval of test accommodations.

### **Qualifications of the Evaluator**

The Evaluator Guidelines for Requesting TASC Test Special Testing Accommodations set out the following requirements for the evaluator:

An individual is qualified to assess an individual for a disability in one of the four categories if s/he has had appropriate graduate-level training and has appropriate certification in that area of disability. The name, title, and professional credentials of the Evaluator must be clearly stated in the documentation, along with the specification of formal training and experience in the area of the disability. (page 8)

In addition to providing his qualifications in the report, the TASC Special Testing Accommodations Request Form at Section 2.1 requests the professional evaluator to complete the following:

•  
“Name of Professional Evaluator:  
Area of Specialization:  
Highest Degree:  
License/Certification Number:  
License/Certification Expiration Date:  
Issuing State:  
Phone Number:  
Email Address:  
Diagnosing Professional’s Signature and Affirmation:

I affirm that the information I have provided in Section 2 is complete, accurate, and reflects my professional evaluation.

Date Signed:

Comments:”

As with the ETS Testing Service® the evaluator must provide his qualifications, but not prove them. The primary difference between CTB/McGraw-Hill and ETS Testing Service®’s requirements, and that of the GED Testing Service®, is that the evaluator for GED® must provide “evidence” of his formal training and experience in the identification of learning disabilities. “Evidence” is a much higher standard than “information” (the ETS Testing Service®) standard and “specification” (the CTB/McGraw-Hill standard).

#### The Evaluator Can Choose Which Assessment to Use

The Evaluator Guidelines for Requesting TASC Special Testing Accommodations provides at page 7:

A diagnostic *Evaluation Report* must be appended to the TASC Special Accommodations Request Form.

The report must:

...

5. be based on appropriate measures (objective measures and/or observation, if appropriate) clinical expertise, and professional judgment, ...

CTB/McGraw-Hill does not provide a list of assessments they require or prefer. The Qualified Professional is expected to choose an appropriate assessment. CTB/McGraw-Hill is thus deferring to professional judgment and experience of the Qualified Professional who prepares the Evaluation Report.

#### Are Usual and Reasonable Accommodations Approved?

In reviewing the forms and practices of the TASC™ Test, only one question was raised: does CTB/Mc-Graw-Hill allow a reader. This accommodation is not included in the TASC Test Special Testing Accommodations Descriptions. In the survey responses, no questions were raised regarding the TASC™ Test and the approval of usual and reasonable testing accommodations.

## “BEST ENSURE” VERSUS “ACCESS”

In researching this Report the Subcommittee ascertained a standard applied by the GED Testing Service® when reviewing requests for test accommodations which standard may not comply with the current federal law on examinations.

Pearson Vue (which owns and oversees the GED Testing Service®) states on its website the standard it applies when determining if a test-taker is approved for test accommodations.

The purpose of test accommodations is to provide candidates with full **access** to the test. However, test accommodations are not a guarantee of improved performance or test completion. Pearson VUE provides reasonable and appropriate test accommodations to individuals with documented disabilities who demonstrate a need for test accommodations. (Emphasis added.) <http://home.pearsonvue.com/test-taker/Test-accommodations.aspx>

However, this is not the standard required by federal law and regulations, and supported by the Department of Justice and federal courts.

The federal regulations are unambiguous:

The examination is selected and administered so as to **best ensure** that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, **the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure**, rather than reflecting the individual's impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure). 28 CFR§ 36.309(b)(1)(i)

At first review the difference between “access” and “best ensure” seems inconsequential. But in practice, the difference is monumental.

Imagine a person with a visual impairment requires a certain type of screen reader to fluently read the questions, but he is only allowed another unfamiliar screen reader that allows him to “read” the questions, but slowly and with great effort. He can “access” the test with the unfamiliar screen reader, but barely pass the test. When permitted his usual screen reader, he scores in top 1%. Under the GED Testing Service® “access” standard, he will only ever be able to obtain a low pass on the test. Under the “best ensure” standard, set out by federal law, he can demonstrate his very high achievement level.

## **DOES THE TESTING ENTITY GIVE “CONSIDERABLE WEIGHT” TO PAST ACCOMMODATIONS?**

The regulations are unambiguous:

“When considering requests for modifications, accommodations, or auxiliary aids or services, **the entity gives considerable weight** to ... such modifications, accommodations, or related aids and services provided in response to an Individualized Education Program (IEP) ... or a plan ... provided pursuant [in Section 504 Plan].” (Emphasis added.) [28 CFR § 36.309(b)(1)(v) Examinations and courses.]

The Department of Justice affirmed this position in the LSAC Consent Decree.

### **The GED® Test**

The GED® forms and instructions do not appear to give “considerable weight” to the existence of an IEP or 504 Plan. Its website and the Documentation Guidelines state:

It would be helpful (but is not required) for you to provide additional supporting documentation, such as: ... [an] Individualized Education Plans (IEPs)

One of the points agreed to in the LASC Consent Decree, is that the existence of prior approval for accommodations should be given considerable weight. Indeed, it held that in some situations a copy of that approval from another testing entity would be sufficient for the approval of the same accommodations by the LASC.

This Consent Decree did not pertain to high school equivalency examinations, but the GED Testing Service® should give more weight to these plans and emphasize the importance of submitting them with a Request Form.

### **The HiSet® Exam**

Interestingly, the ETS® specifically asks in its Bulletin at page 14,

“If you are requesting accommodations on HiSet within one year of the date of your approval for accommodations on the GED, submit a copy of that approval with your request.”

ETS® seems to give considerable weight to approval from another testing entity. Further, in Part I of the HiSet Testing Accommodations Request Form, it asks:

“Did you receive accommodations while in high school? If yes, list below.”

And, in Part III of the Request Form, in each checklist it requests as Additional Documentation the “Most Recent IEP, and “Most Recent 504 Plan.” It is notable that the Request Form does not ask for only a current IEP or 504 Plan. This, along with the fact the HiSet® instructions ask for IEP’s and 504 Plans in several places, seems to support that ETS® follows the Department of Justice’s position in the LSAC Consent Decree: even out-of-date IEP’s and 504 Plans should be given “considerable weight.”

## **The TASC™ Test**

CTB/McGraw-Hill notes in the Evaluator Guidelines for Requesting TASC Special Testing Accommodations at page 7, “When providing special education evaluation and IEP/504 documentation, the IEP/504 plan must be within three (3) years of the assessment date.”

And, in the Examinee Guidelines for Requesting TASC Special Testing Accommodations at page 7 provides:

### **I have a recent IEP/504 Plan. Can I request accommodations based on that documentation?**

An Examinee with a current special education evaluation or recent Individualized Education Program/Plan (IEP) or 504 Plan may provide documents associated with these plans to a qualified Evaluator who may use these to support the diagnosis of a disability. In this case, a new diagnostic evaluation may not need to be conducted. However, the documentation must (a) provide the Evaluator with the information necessary to support the diagnosis and (b) meet the timeline/currency requirements described in the Evaluator Guidelines.

The Evaluator must still complete Section 2 of the TASC Special Testing Accommodations Request Form. A licensed or certified school psychologist or qualified special educator at the secondary level may serve in the role of Evaluator. The eligibility evaluation should have been conducted within 5 years and the IEP/504 Plan should be dated within 3 years of the planned date for TASC testing.

It is clear from the answer to the question that existing documentation may sometimes be provided with the application for accommodations. And, it is also clear an IEP or 504 Plan an IEP/504 Plan within 3 years should be submitted. But, it is not clear what importance or weight CTB/McGraw-Hill gives the IEP/504 Plan when making its determination of whether to approve a request for accommodations. Furthermore, the Department of Justice did not limit its language to only recent IEP’s and 504 Plans.

**DOES THE TESTING ENTITY ALLOW A “PERSONAL STATEMENT” FROM THE TEST APPLICANT?**

**The GED® Test**

The Subcommittee could not ascertain if a “Personal Statement” from the test applicant would be accepted by the GED Testing Service® as part of the application for accommodations. However, at no place on the website or in GED® Test forms does the GED Testing Service® suggest one be submitted.

**The HiSet® Exam**

In the HiSet® Accommodations Request Form in Part III -Documentation Requirements in each non-physical category of disability, it lists a “personal statement” as additional, but not required, documentation. And in the categories of Blind or Low-Vision, Deaf or Hard-of-Hearing, and Physical Disability or Health-Related-Need, a personal statement is included in the list titled Preferred Documentation.

**The TASC™ Test**

The Subcommittee could not ascertain if a “Personal Statement” from the test applicant would be accepted by CTB/McGraw-Hill as part of the application for accommodations. However, at no place on the website or in the TASC documents does the CTB/McGraw-Hill suggest one be submitted.

**DOES THE TESTING ENTITY ALLOW AN “ADVOCATE’S STATEMENT” FROM THE TEST APPLICANT?**

**The GED® Test**

The Subcommittee could not ascertain if a “Advocate’s Statement” from the test applicant would be accepted by the GED Testing Service ®as part of the application for accommodations. However, at no place on the website or in GED® Test forms does the GED Testing Service® suggest one be submitted.

**The HiSet® Exam**

In the HiSet® Accommodations Request Form in Part III -Documentation Requirements in each every category of disability, it lists a “Letter from Rehab Counselor or Case Manager ” (also called an “Advocate’s Statement”) as additional, but not required, documentation.

**The TASC™ Test**

The Subcommittee could not ascertain if a “Advocate’s Statement” from the test applicant would be accepted by CTB/McGraw-Hill as part of the application for accommodations. However, at no place on the website or in the TASC documents does the CTB/McGraw-Hill suggest one be submitted.

## **HOW DOES A TEST APPLICANT CONTACT A TESTING ENTITY IF HE HAS A QUESTION?**

Sometimes a test applicant will have a question not addressed in the Testing Entity's website, instructions or forms. It is important that a test applicant be able to contact the Testing Entity. The ease with which a Testing Entity can be reached for questions is central to persons with disabilities having access to these high school equivalency exams. When a test applicant can't readily communicate with a Testing Entities disability services office, it creates a barrier to accessing the high school equivalency exam.

### **The GED® Test**

The GED Testing Service® at the last page of each of its Request Forms provides an email address for inquiries:

Questions? Email us: [accommodations@gedtestingservice.com](mailto:accommodations@gedtestingservice.com)

The GED Testing Service® does not provide a phone number so test-takers may contact the GED Testing Service® if they have questions. The GED Testing Service® may argue that it would take too much time for its employees to answer phone inquiries, but the lack of a contact phone number creates a barrier for those with disabilities. First, it assumes every test-taker has easy access to email. Second, it precludes timely answers to inquiries.

### **The HiSET® Exam**

The ETS® provides at pages 12 and 15 of its Bulletin information on a toll-free phone number for the direct line to its disabilities services offices.

#### **ETS HiSET Disability Services**

Monday – Friday

8:30 a.m. – 5 p.m. EST (New York)

Phone: 1-855-802-2748 (toll-free in the United States, American Samoa, Guam,  
Puerto Rico, U.S. Virgin Islands and Canada)

1-609-359-5615 (all other locations)

Fax: 1-609-240-0525

Email: [HiSetSSD@ets.org](mailto:HiSetSSD@ets.org)

Mail: ETS HiSET Disability Services  
PO Box 6054  
Princeton, NJ 08541-6054

Courier Service: ETS HiSET Disability Services  
225 Phillips Boulevard  
Ewing, NJ 08628-1426

To obtain HiSET materials in Spanish:  
Phone: 1-609-359-5616  
Toll-free: 1-855-598-4143

## **The TASC™ Test**

Examinee Guidelines for Requesting TASC Test Special Testing Accommodations states:

For additional support, Examinees should contact the Test Coordinator at the testing center or a TASC Customer Care agent by email at: [TASC\\_Helpdesk@CTB/McGrawHill.com](mailto:TASC_Helpdesk@CTB/McGrawHill.com), or by telephone at 888-282-0589 between 7:30 a.m. and 8:00 p.m. Eastern Standard Time Monday through Friday.

This information is provided in a number of other places on the web site and in the forms, as well.

## **WHAT IS THE APPEAL PROCEDURE?**

### **The GED® Test**

The GED® web page titled “GED Testing Service Accommodations” includes a section on appeals. This section states:

“You may appeal an accommodations decision if you’re unhappy with the outcome. Please complete the “Request for Testing Accommodations Appeal” and provide us with additional documentation to review. Disability experts review all appeal requests.”

The GED Testing Service® has a separate document titled, “GED Testing Service® Accommodations (Reasonable Adjustments) Appeal Form.”

Test Applicants who have been denied in whole or in part the accommodations they requested can appeal by completing this form, attaching a copy of their original request for accommodations, a copy of the original documentation, and any additional documentation to support the appeal, and sending it all by fax to the GED Testing Service®.

Section 1 of the Appeal Form asks for the test applicant’s identifying information. Section 2 asks for the Reason the Appeal, and Section 3 asks for the Requested Accommodations with instructions on how to submit the Appeal. All three of these sections are similar to, if not identical to, the original request forms.

There are several concerns regarding the Appeal Form, and most of these are the same concerns raised earlier with the application process. First is that the Appeal Form and documentation must be faxed to the GED Testing Service®. Again, this can be a considerable expense that can be a barrier to persons with disabilities with limited financial resources.

The second is in Section 3 of the Appeals Form, the GED Testing Service® again admonishes the Evaluator and test applicant that:

NOTE: In most cases, extra time is NOT an appropriate accommodation for ADHD, because by definition individuals with ADHD have trouble sustaining attention over time. Please carefully consider alternative accommodations.

As noted earlier in this Report, it is of grave concern that the GED Testing Service® makes this recommendation to Qualified Professionals. The GED Testing Service® evaluator does not have direct knowledge of the test-taker, so how does he know extended time is NOT an appropriate accommodation. The GED Testing Service® appears to not accept the individualized assessment made by a Qualified Professional who has “individually and personally evaluated the candidate.” 28 CFR p. 784 (7-1-12 Edition)

Third, the GED Testing Service® once again asks for the accommodations and rationale in a potentially confusing manner:

The form states:

Please indicate what accommodations you are requesting, and provide a rationale for each:

Accommodation:

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Rationale:

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Again, the test applicant must guess what are typically approved accommodations, and then hope his description is sufficient for the GED Testing Service®.

Finally, the Subcommittee would like to know the professional qualifications of the “disability expert.”

### **The HiSet® Exam**

If a Test Applicant’s request for accommodations is denied, or approved only in part, then ETS® recommends the Test Applicant email or write ETS® Disability Services for an explanation and specific information on how the documentation may be improved. There is not a formal appeal process.

### **The TASC™ Test**

CTB/McGraw Hill provides on page 7 of the Examinee Guidelines for Requesting TASC Special Testing Accommodations the following instructions:

#### **What if my request for accommodations is not approved?**

Your request may not be approved upon initial submission. You will receive a decision letter from CTB/McGraw-Hill that will indicate one of three decisions:

- Yes, the request meets the required standards and accommodation recommendations are approved.
- Approval is pending. Additional information or evidence is required.
  - If the decision letter indicates that approval is pending, then additional information is required. In this case, the decision letter will describe the additional information that must be provided and how to submit it.
- No, the request does not meet required standards and is not approved. See comments below for details that must be addressed in subsequent appeals.
  - If the decision letter indicates that the request is **not** approved, then the decision letter will provide information about options with respect to appealing the decision. (Emphasis added.)

## **General Questions About Appeals**

The Testing Entities' websites do not provide information on how an appeal is evaluated by the Testing Entity.

The Subcommittee is interested in the following information, and would like these questions forwarded to each Testing Entity.

1. Who reviews an appeal? Are those persons Qualified Professionals? How many Qualified Professionals review each appeal?
2. How many appeals are submitted each year? What percentage of all applications for accommodations end up in an appeal? What percentage of denials in whole or in part are appealed?
3. What percentage of appeals result in approval for all the accommodations originally requested? What percentage of appeals result in approval for some of the accommodations originally requested? What percentage of appeals result in a denial for all accommodations originally requested?

## **DOES THE TESTING ENTITY READILY PROVIDE APPROVED ACCOMMODATIONS?**

Once a Test Applicant has been approved for accommodations for a test, the question then arises of whether these accommodations are indeed provided during the administration of the exam.

### **The GED® Test**

#### **The Ready-Test**

The GED Ready™ is the official practice test for the 2014 GED® Test. It was published in January 2014 as an online test, available to anyone for \$24. The 2014 GED® Test is available as a computer-based test, but is not available online.

When the GED Ready™ was first published, it did not include any built-in testing accommodations. Most accommodations could be made by the test-taker anyway (text-to-speech reader, use of a calculator, private room, scribe), but most people with disabilities require extra time on standardized tests, and there was no way to take the GED Ready™ with extra time. That left students with disabilities in a position where they were unable to accurately predict their readiness to pass the GED® test – a discriminatory practice.

When GEDTS® was first contacted about this issue on January 13, 2014, Dr. John Hosterman, Director, Accessibility and Disability Services, GEDTS®, replied in an email that candidates could pause the GED Ready as often as they wish to get the extra time they needed (see attached email). There actually was no way to pause the test. When GEDTS® was next contacted about this issue on March 31, 2014, Martin Kehe, VP Products, GEDTS®, replied in an email that it didn't seem to be a major cause for concern nationally, but they would try to determine a solution in the coming weeks and months (see attached email).

On October 24, 2014, nine months after the initial publication of the GED Ready™, GEDTS® announced that the GED Ready™ was available online with built-in extra time (25%, 50%, or 100%). Test-takers requesting extra time on the GED Ready™ must have indicated on their MyGED® account that they will be requesting accommodations, but they do not have to be already approved for those accommodations before requesting a GED Ready™ with extra time. Test-takers must go to their MyGED® account for a phone number to request that the test with extra time be delivered to their computer. However, efforts to have the test delivered to testing centers with the built-in extra time have been frustrating.

On December 10, 2014, GEDTS® announced that they were changing the GED Ready™ score ranges to more accurately predict a student's success on the GED® Test. The announcement stated that, "Since launching the GED Ready® practice test a year ago, we've looked very closely at how students scored on the practice test compared to how they scored on real test. A detailed analysis showed us that students who earned a higher yellow 'Too Close to Call' score were actually quite likely to pass the GED® test. As a result, we've extended the GED Ready® practice test green 'Likely to Pass' score ranges downward several scaled score points. The new ranges give you and your students improved feedback on whether they're ready to pass the test."

### **The HiSET® Exam**

No responses to the Survey raised the problem of the HiSet® failing to provide an approved accommodation.

### **The TASC™ Test**

No responses to the Survey raised the problem of the TASC™ failing to provide an approved accommodation.

### THIRD-PARTY AUTHORIZATIONS

On a separate, but related, matter, concerns have arisen with all three Testing Entities on the identification and authorization of someone with whom the Testing Entities may discuss confidential information about the test applicant. This issue can be easily remedied.

On the GED® form there is a line asking the test-taker to provide “Additional person(s) you permit GED Testing Service® Accommodations Team to discuss/contact on your behalf regarding this request.” Most test-takers assume this would be a parent or relative, but in fact the best person is likely an adult education teacher or administrator who is currently working with the student. It should be a person knowledgeable about the test-taker, his disability, and the logistics of the GED® Test. If an inappropriate person is listed as the “additional person” then it may make it difficult for the test-taker to productively respond to any requests or communications with the GED Testing Service®

The HiSet® forms do not ask the test applicant to authorize an adult education teacher or administrator who can discuss confidential matters with the ETS Testing Service®. It would be helpful if such an authorization would be added to the forms.

The TASC Special Testing Accommodations Request Form includes a section for an “Examinee’s Advocate” to complete. The form also includes a “Release of Information,” to allow the sharing of records by school officials, test center representatives, and healthcare providers with CTB/MCGRAW HILL/McGraw Hill, but interestingly this does not include an “Examinee’s Advocate.” It would be interesting to learn if CTB/McGraw Hill considers the Examinee’s signature on this page that permission.

#### Suggested Language

The Subcommittee recommends the following language and form of release for a third-party authorization be included in the accommodations request forms. It is based upon the language in the TASC Request Form:

The examinee may have an advocate to support the request for accommodations. An advocate is someone other than the professional evaluator, such as a parent or teacher, who helps the examinee complete and submit this form, is familiar with the accommodations request process, and who may communicate with the testing entity regarding the accommodations request process for this examinee.

If you are the advocate, please provide the information below.

Name of advocate: \_\_\_\_\_  
Relationship to examinee: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone number: \_\_\_\_\_  
Email address: \_\_\_\_\_

I grant permission to CTB/McGraw-Hill and the Advocate to communicate about my education-related records and/or my medical or psychological records in connection with my request for testing accommodations.

Examinee signature and date: \_\_\_\_\_

## **DISABILITY SERVICE PROVIDERS AND CERTIFICATION OF DOCUMENTATION**

Many testing entities include a process for approval of accommodations whereby a school or college's disability service provider can certify that the documentation on record at the school or college meets the documentation requirements of the testing entity. These testing entities include the College Board, and the ACT.

As an example, the ETS® provides this alternate method for approval of accommodations. It allows a Disability Service Provider:

“to provide verification of an individual's use of accommodations either in college or in the workplace as a shortcut for approval of certain specific accommodations for particular disabilities. For example, a test taker with LD, LD/ADHD or ADHD requesting 50 percent extended time and breaks can submit a completed COE [Certification of Eligibility] without documentation if the documentation meets ETS criteria.”

[http://www.ets.org/disabilities/disability\\_service\\_providers/coe/](http://www.ets.org/disabilities/disability_service_providers/coe/)

When a Disability Service Provider signs the COE, he is verifying that the documentation on file in his office meets all of the ETS® criteria. The test applicant is reminded in these instructions to not send documentation, as this will cause a delay in receiving a response. ETS® trusts the Disability Service Provider's professional integrity and judgment. A similar process is used by the College Board and ACT.

**Of important note here is that ETS® does not allow this alternate method of approval of accommodations for the HiSet®. It carves out this exception.** Indeed, none of the Testing Entities allow this method for any high school equivalency exam.

**A Certification of Eligibility method of approval should be available for high school equivalency exams**

The Subcommittee understands that most test applicants for a high school equivalency exam have not been enrolled in a school or college for many years, but it is the Subcommittee's position that the Testing Entities should develop guidelines for the application and implantation of this method.

The reasons to allow this method are many. First, and most simply, allowing this method will save test applicants money. In many cases thousands of dollars.

A second reason is privacy. A test applicant who has already provided extensive documentation and personal information, sometime about his mental health, to a college or workplace may not wish to share this private information with yet another organization. For example, a test applicant is a student with a psychiatric illness at a community college. All of the student's records to establish this disability and need for test accommodations are on record at the community college, but to protect his privacy the student does not want all these records shared with a yet another organization (a testing entity) because of his concerns this information may be known by too many people . He thus declines to apply to take a high school equivalency exam. If the community college's disability services office could provide a Certification of Eligibility, then this test applicant's privacy will be protected and he will take the exam.

**High School Equivalency Exams:  
Accessibility of Accommodations for Persons with Learning Disabilities**

**April 2015**

**Appendix**

1. Survey
2. Review of Documentation Form
3. Test Applicant Experiences
4. Excerpts from Applicable Laws, Regulations and Department of Justice Comments
5. List of States and which high school equivalency tests or program each uses
6. History of the Norming of the GED® Mathematical Reasoning Test

## Item 1

### High School Equivalency Exam Survey

If you have ever asked for accommodations for yourself, your child, or a student, on the GED®, Hi-Set®, or TASC™ test, please complete our survey by clicking on the link below so we can work together to ensure all test-takers with disabilities obtain the accommodations allowed by law.

LDA's mission is to create opportunities for success for all individuals affected by learning disabilities. To this end, LDA promotes legal, appropriate, and effective accommodations for all students with disabilities, including learning disabilities, on high school equivalency exams (GED®, Hi-Set®, or TASC™).

*Note: We will not release your contact information to any other organization or entity, but we may contact you to let you know more ways you can help.*

1. Contact information
  - a. First name
  - b. Last name
  - c. Email address
  - d. Street address
  - e. City
  - f. State
  - g. Zip Code
  - h. Phone number, including area code, where you can be contacted
  
2. Which of the following describes you best?
  - a. Parent of a student who has requested accommodations on a high school equivalency test.
  - b. Teacher of a student who has requested accommodations on a high school equivalency test.
  - c. Student who has requested accommodations on a high school equivalency test.
  
3. Which high school equivalency exam did you take, or apply to take?
  - a. GED®
  - b. Hi-Set®
  - c. TASC™
  
4. Did you request accommodations for a disability on that test?
  - a. Yes
  - b. No
  
5. Please choose one of the following answers regarding your accommodations request:
  - a. I received all of the accommodations I requested.
  - b. I received only some of the accommodations I requested.
  - c. I did not receive any of the accommodations I requested.
  
6. Please tell us your story in the space below (limit 250 words).
  
7. May LDA contact you for more information about your high school equivalency exam experience?
  - a. Yes
  - b. No

**Item 2**  
**LDA Research Group**  
**On**  
**High School Equivalency Exams**  
**And**  
**Accommodations for Persons with Disabilities**  
**Review of Documentation Form**

Person whose documentation is being evaluated: \_\_\_\_\_

1. In your opinion is the professional who conducted this evaluation qualified to do so? (Why or why not?)
2. Are the following items included in the psychoeducational report?
  - \_\_\_\_\_ a. current functional limitations
  - \_\_\_\_\_ b. test behavior observations
  - \_\_\_\_\_ d. achievement measures
  - \_\_\_\_\_ e. assessment of cognitive functioning
  - \_\_\_\_\_ f. areas of cognitive and information processing
  - \_\_\_\_\_ g. a list of all tests administered with standard scores
  - \_\_\_\_\_ h. a clear, diagnostic statement
  - \_\_\_\_\_ i. history of accommodations used and requested
  - \_\_\_\_\_ j. rationale for each accommodation requested
3. Is the evaluation current and comprehensive enough to make accommodation decisions? (Why or why not?)
4. Do you agree with the diagnosis made by the professional who conducted the evaluation? (Why or why not?)
5. Do the accommodations that are requested match the disability that is diagnosed? (Why or why not?)
6. In your opinion, based on the assessment provided, what accommodations should be made for this individual when taking a high school equivalency credentialing exam?

\_\_\_\_\_  
Name of Evaluator

\_\_\_\_\_  
Professional Credentials

\_\_\_\_\_  
Date

### Item 3

#### Test Applicants' Experiences

##### Test Applicant No. 1

Joan Grigsby

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Fort Worth, TX  
February 2015

##### Notes about GED Accommodation Experiences

Through our local Adult Education Consortium grant, the agency that I represent assesses adult education students who need LD diagnosis to help them with accommodations on the GED; and we also help the student submit the application for accommodations. Our experience with applications being awarded has been generally successful so far. Just for information, what we have noted in the process is summarized below:

- Accommodation requests take a full month to be approved.
- Accommodations for extra time are awarded on the basis of degree of functional limitation. In one situation where the learning disorder was established but the functional limitations were slight, the accommodation of extra time was denied. The pattern I am seeing is that the more severe the functional limitation, the greater the time awarded. This also applies when IQ scores are very low average. In that case, only 1.25 time has been awarded. We have not yet appealed any decision.

Our concerns are more with other issues (noted below):

- As an agency that specializes in assessment of learning disabilities (primarily for education), we write the report and list appropriate accommodations that will apply to educational and employment needs that the adult might encounter within the five-year period during which the report is considered current.
- With this in mind, we prepare a GED accommodations request asking for all appropriate accommodations, including those that might be needed only on one type of test. This situation is most applicable when a reader is needed, for example, on a science test where technical terms are found. Also, experience has shown us that the student may take the tests over several months and may decide later in the process that he/ she really must use a particular accommodation.
- What we have found is that GED requires the candidate to use ALL of the approved accommodations on each test, regardless of individual need; moreover, this requirement is not stated anywhere on the website. We experienced this difficulty recently with one of our candidates (Test Applicant No. 1). After he was told that he had to use all approved accommodations on one test, his program administrator and I spoke with a Pearson staff member who affirmed that use of ALL approved accommodations on ALL tests was, indeed, their policy. While I respect their policy, I believe an adult knows what he/ she needs in a given situation. Many adults who need accommodations take the tests one at a time. It seems that they should have the option of requesting what they need on individual tests if only one test at a time is being requested. If the entire battery of tests is being taken at one time, I could certainly understand the need for the "all or nothing" approach.
- Another concern arose when the testing site staff placed the student in a "private" room for his ADHD. It was a staff member's office, not a designated private room. I would encourage Pearson to set clear guidelines for a distraction-free environment.
- Another concern I have noted is that the directions for arranging an accommodated test are vague, at best. While the accommodations page on the website is specific and otherwise comprehensive, this part is vague. I recently wrote out general directions for arranging accommodated testing for a student because I felt that an anxious student needed more help than the "call this number" instruction.

## Test Applicant No. 2

Test Applicant No. 2 is a 21-year-old male. He was evaluated for learning disabilities by a qualified professional, a psychologist, on March 5, 2014 in order to request and receive accommodations on the GED® test. The results of his evaluation determined that he had average intellectual ability. His basic reading, reading comprehension, and writing skills were within the average range, but his math, spelling, and fluency were below average. He showed a pattern of strengths and weaknesses within cognitive processes and related areas of achievement. There was a significant discrepancy between his cognitive ability and math problem solving, math calculation, spelling, reading fluency, and writing fluency, and a specific learning disability was identified. In addition, he had a diagnosis of AD/HD. The psychologist recommended standard time plus 50% and the use of a calculator as appropriate testing accommodations.

Test Applicant No. 2 applied for GED® testing accommodations on March 22, 2014. He received an e-mail from GEDTS® regarding his accommodations request on June 13, 2014. He was approved for standard time plus 50%, but was denied the use of a calculator. The reason given was that “The 2014 version of the GED® test includes a drop-down calculator available to all test-takers for questions where a calculator is allowed. Since this is a standard option, it does not require an accommodation approval.”

Test Applicant No. 2 contacted the state GED Examiner™ to discuss appealing the decision after determining that the first five questions on the GED® test do not include the drop-down calculator. The concern was that missing those questions might affect his ability to achieve a higher score on the math part of the GED® test, which could negatively impact the type of GED® credential he was able to earn. The state GED Examiner™ contacted GEDTS, who responded that, “When GEDTS® developed the new test, they left the first 5 questions on the math test without a calculator to measure calculation skills. It was their decision that a calculator not be allowed for these 5 questions. The drop down calculator is available for the rest of the test, and on the Science and Social Studies module.”

Test Applicant No. 2, who was hoping to attend college after attaining his GED® diploma, subsequently dropped out of the adult education program and has not attempted to take the GED® test.

Test Applicant No. 2’s learning disability documentation and request for GED® accommodations were reviewed by two outside consultant psychologists. Their conclusions are as follows:

- A qualified professional conducted the learning disabilities evaluation.
- The evaluation was current and comprehensive enough to make accommodation decisions.
- The diagnosis was correct as determined by the evaluator.
- The requested accommodations were appropriate.
- GEDTS should have approved the use of a calculator for all math-related questions.

### **Test Applicant No. 3**

Test Applicant No. 3 is a 49-year-old man who worked as a millwright for 15 years, but wanted to obtain a high school diploma so he could attend college and change his career. He was first evaluated for learning disabilities on May 20, 2011 in order to request and receive accommodations on the GED® test. He underwent an initial learning disabilities screening by Vocational Rehabilitation Services that determined the probable existence of a learning disability (NOS), the mandatory need for a reader during all testing, and the need for further testing that would include a full IQ test.

Test Applicant No. 3 was given a full learning disabilities evaluation on June 23, 2011 by a qualified professional, a licensed psychologist with Vocational Rehabilitation Services. The results of the evaluation concluded that the Test Applicant No. 3 has a (1) Learning Disability (NOS) and (2) a Disorder of Written Expression. The evaluator recommended that Test Applicant No. 3 request and receive the accommodations of extra time, audio format, and a scribe for all testing situations.

Test Applicant No. 3 requested the following GED® accommodations on July 8, 2011: Audiocassette testing format, standard time plus 100%, and a scribe. On August 4, 2011, GEDTS® responded to the request as “approved with changes.” They approved the use of standard time plus 25%, but denied the requests for standard time plus 100%, audiocassette testing format, and the scribe. The reason for no audiocassette format or scribe was that, “Evaluation report/letter includes evidence that does not support, or that contradicts, the use of the requested accommodation.” The reason for no double time was, “An alternate accommodation that is more appropriate based on the evidence has been approved.”

Test Applicant No. 3 appealed the GEDTS® decision on December 1, 2011. In the appeal, Test Applicant No. 3’s teacher presented evidence of testing with and without the use of his requested accommodations. Without the accommodations, he was unable to pass the GED® Official Practice Test. With accommodations, he was able to pass the same test.

On March 23, 2012, GEDTS® denied Test Applicant No. 3’s appeal. The explanation for the denial included the following statements:

- The assessment data are limited and do not support any of these requests.
- Simply having a disability does not necessarily qualify one for accommodations.
- The difference between his skills and fluency was less than one standard deviation, suggesting that the previously approved 25% extended time should be an adequate accommodation.
- In the memo that accompanied [the appeal], it was noted that given a wide range of accommodations, [the student] was able to significantly improve his scores and succeed on the GED® practice test. However, the accommodations are intended to provide the examinee access to the test comparable to the access available without the examinee’s disability, not to optimize the likelihood of success.

Test Applicant No. 3 underwent another learning disabilities evaluation by a private licensed psychologist (Ph.D.) on May 22, 2012. The results of the evaluation concluded that Test Applicant No. 3 has a (1) Reading Disorder 315.0, (2) Disorder of Written Expression 315.2, and (3) Learning Disorder NOS 315.9 (visual/perceptual/motor difficulty which affects all writing tasks/tests including math calculation). The psychologist made the following recommendations for testing accommodations: Extended time (standard time plus 100%), the use of computers with spell check and grammar check, a reader (if possible), a private room for testing, additional supervised breaks (45 minutes testing/10 minutes break), audiocassette with extended time (standard time plus 100%), scribe, and calculator.

On July 24, 2012, Test Applicant No. 3 filed a second appeal with GEDTS® that included the new evaluation and recommendations for accommodations. This time, Test Applicant No. 3 only requested the audiocassette format with extended time and additional supervised breaks. On November 4, 2012, GEDTS® responded to the appeal with a denial for the audiocassette format and extended time, and marked the request for additional breaks as “incomplete,” stating that, “Evaluation report/letter does not sufficiently demonstrate the need for the following accommodation.”

GEDTS’s explanation of the denial included the following statements:

- On the current assessment, [the test applicant’s] math fluency scores were lower...and the pattern of scores is somewhat disturbing as how could his ability to quickly perform math problems have declined so dramatically in the interim?
- Evidence supporting [the psychologist’s] diagnosis is lacking; furthermore, some contradictory evidence exists.
- [The test applicant] is reportedly “an experienced millwright,” a job requiring the ability to use visual, perceptual, and motor skills to construct and/or maintain machinery, and must be able to read blueprints and other schematics to enable them to perform these tasks.
- It remains unclear if the low achievement scores reflect true learning disabilities or a combination of [the test applicant’s] educational and cognitive limitations, and possibly limited effort on current academic testing.

After 1½ years of evaluations and appeals, Test Applicant No. 3 dropped out of the adult education program. He is still successfully employed as a millwright. He did explain to his instructor that he is not required to read blueprints or other schematics, but he’s “good at fixing broken machinery.” He was very disappointed that he never got the chance to go to college.

Test Applicant No. 3’s learning disability documentation and request for GED® accommodations were reviewed by two outside consultant psychologists. Their conclusions are as follows:

- Qualified professionals conducted both of the learning disabilities evaluations.
- The evaluations were current and comprehensive enough to make accommodation decisions.
- The diagnosis was correct as determined by the evaluation. The other reviewer did not agree with the Math Disorder diagnosis.
- The requested accommodations were appropriate for the diagnosed disabilities.
- One reviewer said that GEDTS® should have approved the use of extended time (standard plus 100%) with audiocassette. The other reviewer agreed with that, but also said GEDTS® should have additionally approved a scribe, a private room, and additional supervised breaks.

## Test Applicant No. 4

Test Applicant No. 4 is a 43-year-old woman with a hearing impairment and a previously diagnosed learning disability. To obtain the current learning disability documentation needed to request and receive accommodations on the GED® test, she was re-evaluated by a qualified professional for learning disabilities on September 4, 2014. The results of the evaluation were (1) Reading Disorder 315.0, (2) Math Disorder 315.2, and (3) Disorder of Written Expression 315.2. The psychologist recommended the following testing accommodations: private room for testing, extended time (standard time plus 100%), and additional supervised breaks.

Test Applicant No. 4 requested all of those GED® testing accommodations on September 22, 2014.

On October 28, 2014, GEDTS® denied her request for accommodations. The reason given was, “Evaluation report/letter is incomplete – the report is too brief/limited to allow for a comprehensive review.” Additionally, the response stated that, “The evaluation report stated that you have a history of a significant hearing impairment, however the evaluator did not discuss what (if any) modifications were made to the standardized assessment procedures to accommodate for this hearing loss. Therefore, it is difficult to determine if your evaluation results were a direct result of your hearing loss or of a learning disability. When providing additional information, please also include additional information on the qualifications of your evaluator, as that information was not included in the documentation provided.”

On November 7, 2014, the psychologist who evaluated Test Applicant No. 4 submitted the results of the student’s audiological evaluation and her ability to read lips. Additionally, the psychologist wrote a letter that described in detail the steps taken to address any possible need to accommodate the student’s hearing impairment during testing; that the student was able to repeat all vocabulary words and word pairs in the Similarity pretests without coaching, and that the student’s need to read and re-read written material many times for comprehension was consistent with her weak working memory ability. The psychologist, who had been documenting adult education students for GED® testing accommodations requests for 13 years and never had her credentials questioned by GEDTS® before, also submitted a 3-page document listing her qualifications and experience. Experience included Special Education teacher and coordinator for K-12, school psychologist, and two postsecondary positions as counselor/coordinator for Disability Support Services.

The GEDTS® accommodations reviewer responded on November 10, 2014 that they had denied the request for extended time and breaks, but would allow a private room for testing.

Test Applicant No. 4 subsequently dropped out of the adult education program without attempting the GED® test with no extra time allowed. She has since moved to another state.

Test Applicant No. 4’s learning disability documentation and request for GED® accommodations were reviewed by two outside consultant psychologists. Their conclusions are as follows:

- A qualified professional conducted the learning disabilities evaluation.
- The evaluations were current and comprehensive enough to make accommodation decisions.
- The diagnosis was correct as determined by the final evaluation.
- The requested accommodations were appropriate. One reviewer noted that the best rationale was for extended time, but that was denied.

- GEDTS® should have approved the use of extended time (standard plus 100%), a private room, and additional supervised breaks.

## Test Applicant No. 5

Test Applicant No. 5 is a 17-year-old male who enrolled in an adult education program, submitting current documentation of a learning disability that was evaluated by a K-12 school psychologist on September 21, 2010. The evaluation found significant discrepancies in the areas of reading (36-pts), writing (35 pts), and math (48 pts), particularly regarding fluency in all areas. The report stated that regression analysis indicated discrepancies of such severity as to suggest learning disabilities in the areas of Basic Reading, Written Expression, Math Calculations, Reading Fluency, and Reading Comprehension.

On March 6, 2014, Test Applicant No. 5 requested the following accommodations on the GED® test: Extended time (standard time plus 100%), calculator for the entire math test, and a private room for testing. Although he could have requested a reader based on his evaluation results, he said he would not be able to concentrate if a stranger (i.e., someone from Pearson-Vue) were reading the test to him, so he did not request a reader.

On March 28, 2014, GEDTS® responded to Test Applicant No. 5's request. They approved the requests for a private testing room and standard time plus 100%, but denied the request for the use of a calculator on the entire math test. The reason for denying the use of the calculator was, "This is not an appropriate/approved accommodation for a standardized test."

Test Applicant No. 5 subsequently took and passed the GED® test; however, his scores were not high enough to earn the "college readiness" credential. His adult education instructor believes he would have scored much higher with a reader and a calculator.

Test Applicant No. 5's learning disability documentation and request for GED® accommodations were reviewed by two outside consultant psychologists. Their conclusions are as follows:

- A qualified professional conducted the learning disabilities evaluation.
- The evaluations were current and comprehensive enough to make accommodation decisions. (One reviewer noted that the psychologist did not specify accommodations for testing on the narrative report.)
- One reviewer stated that the diagnosis was correct as determined by the final evaluation. The other reviewer questioned the reading disability diagnosis and said those scores were only low due to significantly low reading fluency.
- The requested accommodations were appropriate.
- GEDTS® should have approved the use of a calculator for the entire math test.

## Test Applicant No. 6

Test Applicant No. 6 is a 66-year-old woman who was denied all requests for accommodations on the GED® test in March 2015. It was the first GED® accommodations request made in that state with a diagnosis that was done using the DSM-5. The DSM-5 removed the score discrepancy model from LD diagnosis, and the GED® Request for Accommodations for LD form is designed to report and compare score discrepancies.

Test Applicant No. 6 was first evaluated in 2013 with an initial LD screening that indicated a probable learning disability. She was then referred for further testing (WAIS-IV), but the "...evaluator indicated that a diagnosis of learning disorder was not warranted, as there was no significant discrepancy between scores on tests of ability and achievement. No diagnosis was assigned."

However, Test Applicant No. 6 believed that the evaluation did not accurately reflect her problems with learning. At the age of 66, she has experienced a lifetime of learning problems "despite growing up in a home that emphasized education." She especially had difficulty reading, and says her reading comprehension increases dramatically when information is read to her. Despite her problems with reading, she has a substantial and successful work history that includes substitute teaching and program management for the Area on Aging and nursing homes.

Test Applicant No. 6 convinced her counselor to refer her for further testing in 2014, where she spent two days undergoing a detailed and comprehensive LD evaluation, comprised of 19 assessment components. The evaluators in 2014 were a Ph.D., Licensed Psychologist; and a M.A., Licensed Psychological Examiner.

Results of the evaluation included reading comprehension scores at the 9th %tile, reading fluency scores at the 13th %tile, phonemic awareness skills at the 12th %tile and 8th %tile, reading rate at the 6th %tile, vocabulary at the 8th %tile, significant working memory deficits, but oral comprehension at the 55th %tile.

The 2014 evaluators concluded that Test Applicant No. 6 met the following criteria for Specific Learning Disorder as defined by the DSM-5:

- Slow word reading;
- Difficulty understanding the meaning of what is read;
- Difficulties with spelling;
- Symptoms emerged in grade school;
- Academic skills are substantially below those expected of her age, and significantly interfere with her ability to meet her educational and career goals;
- While her IQ scores are in the low end of the low average range, her adaptive functioning does not suggest intellectual deficiency;
- At this time, there are no known neurologic disorders that are influencing her test results; and
- Her academic deficiencies are not better accounted for by educational or psychosocial factors.

Test Applicant No. 6 was diagnosed with 315.00 Specific Learning Disorder with Impairment in Reading, with Impairment in Reading Fluency and Comprehension. The evaluators recommended the following

accommodations on the GED® test: audiocassette administration with standard time + 50% and a calculator.

Based on this 18-page report, Test Applicant No. 6's adult education teacher requested the following accommodations for her on the GED® test: Reader, standard time + 50%, talking calculator, private room.

The response from GEDTS® was to deny all of those requested accommodations, and the reason for each denial was the same: "There is no significant discrepancy between cognitive and academic achievement testing results."

The narrative report included with the request for accommodations clearly and comprehensively discussed the lack of discrepancies, which should not even be a consideration when using the DSM-5, which has now officially replaced the DSM-IV as the definitive manual of mental disorders to be used by all professionals in the field.

Test Applicant No.6 believes adamantly that she can successfully complete the GED® test with the reasonable accommodations of a reader, extra time, and a private room for testing. She is devastated by the denial. She had hoped to resume her position as a substitute teacher, which now requires a high school diploma or GED® . At this time, she has not yet returned to classes at the adult education program. The teacher is willing to file an appeal with GEDTS®, but is so far unable to discern what possible additional information can be provided.

Test Applicant No. 6's learning disability documentation and request for GED® accommodations were reviewed by two outside consultant psychologists. Their conclusions are as follows:

- A qualified professional conducted the learning disabilities evaluation.
- The evaluations were current and comprehensive enough to make accommodation decisions.
- The diagnosis was correct as determined by the final evaluation using the DSM-5.
- The requested accommodations were appropriate.
- GEDTS® should have approved a reader, standard time + 50%, and a private room.

## Item 4

### Excerpts from Applicable Laws, Regulations, and U. S. Department of Justice Comments

#### Americans with Disabilities Act, As Amended (2008), Federal Regulations

#### 28 CFR Part 36

§ 36.309 Examinations and courses.

(a) General. Any private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

(b) **Examinations.**

(1) **Any private entity offering an examination covered by this section must assure that—**

(i) **The examination is selected and administered so as to best ensure** that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, **the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure**, rather than reflecting the individual's impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure);

(ii) **An examination** that is designed for individuals with impaired sensory, manual, or speaking skills **is offered at equally convenient locations**, as often, and in as timely a manner as are other examinations; and

(iii) **The examination is administered in facilities that are accessible to individuals with disabilities** or alternative accessible arrangements are made.

(iv) **Any request for documentation, if such documentation is required, is reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.**

(v) When considering requests for modifications, accommodations, or auxiliary aids or services, **the entity gives considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received in similar testing situations**, as well as such modifications, accommodations, or related aids and services provided in response to an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to section 504 of the Rehabilitation Act of 1973, as amended (often referred to as a Section 504 Plan).

(vi) **The entity responds in a timely manner** to requests for modifications, accommodations, or aids to ensure equal opportunity for individuals with disabilities.

## Department of Justice Comments to the Federal Regulations

In the comments accompanying these regulations, first published in September 2010 in the Federal Register, the Department of Justice stated the follow:

The Department initially set out the parameters of appropriate documentation requests relating to examinations and courses covered by this section in the 1991 preamble at 28 CFR part 36, stating that "requests for documentation must be reasonable and must be limited to the need for the modification or aid requested." See 28 CFR part 36, app. B at 735 (2009). **Since that time, the Department, through its enforcement efforts pursuant to section 309, has addressed concerns that requests by testing entities for documentation regarding the existence of an individual's disability and need for a modification or auxiliary aid or service were often inappropriate and burdensome. ...**

Commenters [to the proposed regulations] including disability rights groups, State governments, professional associations, and individuals made it clear that, in addition to the proposed regulatory change, other significant problems remain for individuals with disabilities who seek necessary modifications to examinations and courses. These problems include detailed questions about the nature of documentation materials submitted by candidates, testing entities' questioning of documentation provided by qualified professionals with expertise in the particular disability at issue, and lack of timeliness in determining whether to provide requested accommodations or modifications. ... [Other] commenters [mostly testing entities] focused most of their attention on the following language from the NPRM [footnote on NPRM] preamble:

Generally, a testing entity should accept without further inquiry documentation provided by a qualified professional who has made an individualized assessment of the applicant. Appropriate documentation may include a letter from a qualified professional or evidence of a prior diagnosis, or accommodation, or classification, such as eligibility for a special education program. When an applicant's documentation is recent and demonstrates a consistent history of a diagnosis, there is no need for further inquiry in the nature of the disability. A testing entity should consider an applicant's past use of a particular auxiliary aid or service.

[After considerable discussion on the concerns of the testing agencies, the Department of Justice concluded:]

It remains the Department's view that, when testing entities receive documentation provided by a qualified professional who has made an individualized assessment of an applicant that supports the need for the modification, accommodation, or aid requested, they shall generally accept such documentation and provide the accommodation.

... The Department believes that appropriate documentation may vary depending on the nature of the disability and the specific modification or aid requested, and accordingly, testing entities should consider a variety of types of information submitted. Examples of types of information to consider include recommendations of qualified professionals familiar with the individual, results of psycho-educational or other professional evaluations, an applicant's history of diagnosis, participation in a special education program, observations by educators, or the applicant's past use of testing accommodations. ...

... **No one piece of evidence may be dispositive in make a testing accommodation determination.** The significance of a letter or other communication from a doctor or other qualified professional would depend on the professional's relationship with the candidate and the specific content of the communication, as well as how the letter fits in with the totality of the other factors used to determine testing accommodations under this rule. Similarly, an applicant's failure to provide results from a specific test or evaluation instrument should not of itself preclude approval of requests for modifications, accommodations, or aids if the documentation provided by the applicant, in its entirety, is sufficient to demonstrate that the individual has a disability and requires a requested modification, accommodation, or aid on the relevant examination. This issue is discussed in more detail below.

...

Commenters also sought clarification of the term individualized assessment. The Department's intention in using this term is to ensure that documentation provided on behalf of a testing candidate is not only provided by a qualified professional, but also reflects that the qualified professional has individually and personally evaluated the candidate as opposed to simply considering scores from a review of documents. This is particularly important in the learning disabilities context, where proper diagnosis requires face-to-face evaluation. Reports from experts who have personal familiarity with the candidate should take precedence over those from, for example, reviewers for testing agencies, which have never personally met the candidate or conducted the requisite assessments for diagnosis and treatment.

Some testing entities objected to the NPRM preamble's use of the phrase "without further inquiry." The Department's intention here is to address the extent to which testing entities should accept documentation provided by an applicant when the testing entity is determining the need for modifications, accommodations, or auxiliary aids or services. The Department's view is that applicants who submit appropriate documentation, e.g., documentation that is based on the careful individual consideration of the candidate by a professional with expertise relating to the disability in question, should not be subjected to unreasonably burdensome requests for additional documentation. While some testing commenters objected to this standard, it reflects the Department's longstanding position. When an applicant's documentation demonstrates a consistent history of a diagnosis of a disability, and is prepared by a qualified professional who has made an individualized evaluation of the applicant, there is little need for further inquiry into the nature of the disability and generally testing entities should grant the requested modification, accommodation, or aid.

Item 5

List of States and Which High School Equivalency Tests  
Or Programs Each Uses

State	Test Given
Alabama	GED
Alaska	GED
Arizona	GED
Arkansas	GED
California	GED, HiSET, TASC
Colorado	GED
Connecticut	GED, NEDP
Delaware	GED
District of Columbia	GED, NEDP
Florida	GED
Georgia	GED
Hawaii	GED
Idaho	GED
Illinois	GED
Indiana	TASC
Iowa	HiSET
Kansas	GED
Kentucky	GED
Louisiana	GED, HiSET
Maine	HiSET
Maryland	GED, NEDP
Massachusetts	GED, HiSET
Michigan	GED
Minnesota	GED
Mississippi	GED
Missouri	HiSET
Montana	HiSET
Nebraska	GED
Nevada	GED, HiSET, TASC
New Hampshire	HiSET
New Jersey	GED, HiSET, TASC
New Mexico	GED
New York	TASC, NEDP
North Carolina	GED, HiSET, TASC
North Dakota	GED
Ohio	GED
Oklahoma	GED
Oregon	GED

Pennsylvania	GED
Rhode Island	GED, <a href="#">NEDP</a>
South Carolina	GED
South Dakota	GED
Tennessee	GED, <a href="#">HiSET</a>
Texas	GED
Utah	GED
Vermont	GED
Virginia	GED, <a href="#">NEDP</a>
Washington	GED, <a href="#">NEDP</a>
West Virginia	<a href="#">TASC</a>
Wisconsin	GED
Wyoming	GED, <a href="#">HiSET</a> , <a href="#">TASC</a>

## Item 6

### History of the Norming of the GED® Mathematical Reasoning Test

GED® Testing Service (GEDTS®) has made three changes to the GED® Mathematical Reasoning Test since the new 2014 GED® test was released in January 2014.

1. On February 21, 2014, GEDTS® announced that the standard time allowance on the GED® Mathematical Reasoning Test was increased by 25 minutes. Also, the time allowance for the GED Ready™ Mathematical Reasoning Test was increased by 13 minutes.

Test-takers who took the math test between January 4, 2014 and February 21, 2014 were allowed to re-take the math test for free.

2. On October 2, 2014, GEDTS® announced that effective October 6, 2014, the GED® Mathematical Reasoning Test would be re-published as two distinct parts – Part 1 and Part 2, with a 3-minute break in-between the two parts.

3. On October 2, 2014, GEDTS® announced that effective October 6, 2014, students could bring in and use a handheld TI-30XS Multiview Scientific Calculator for any of the three test subjects that allow the use of a calculator: Mathematical Reasoning, Science, and Social Studies. The calculator is only available for Part 2 of the Mathematical Reasoning test.

There was no mention of any student being eligible for a free re-take of the math test after the addition of the calculator and the new math testing format.