

## Introduction

In accordance with the ADA Amendments Act of 2008 (ADAAA) and other applicable laws, TJJD does not discriminate against people with disabilities in providing access to its Juvenile Probation Officer Certification Exam (exam). TJJD provides reasonable accommodations for its exam for individuals with documented disabilities who demonstrate a need for accommodations. The ADAAA defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities, such as walking, standing, seeing, hearing, eating, sleeping, speaking, breathing, learning, reading, concentrating, thinking, communicating, or working.

The **purpose of accommodation** is to provide equal access to the exam for all individuals. Accommodations “match up” with the identified functional limitation so that the area of impairment is relieved by means of an auxiliary aid or an adjustment to the testing procedure. Functional limitation refers to the behavioral manifestations of a disability that interfere with an individual's ability to function as compared to most adults.

The **purpose of documentation** is to validate that an applicant for exam accommodations is a disabled individual as defined by the ADAAA or other applicable laws and to provide guidance in determining effective accommodations. Comprehensive information provided by a qualified professional is necessary to allow TJJD to understand the nature and extent of the applicant's disability and the resulting functional impairment that limits access to the exam. It is essential that an applicant's documentation provide a clear explanation of the functional impairment and a rationale for the requested accommodation.

While the use of accommodations in the exam activity will presumably enable the individual to better demonstrate his/her mastery of knowledge, accommodations are not a guarantee of improved performance, exam completion, or a passing score.

The purpose of a multiple-choice exam is to test the individual's knowledge relevant to mandatory exam topics listed in Texas Administrative Code Title 37, Chapter 344. Therefore, no individual will be excused from the exam or offered a modification that would compromise the exam's ability to accurately test the skills and knowledge it purports to measure. Similarly, no auxiliary aid or service will be provided that will fundamentally alter the exam or result in an undue burden to TJJD.

## Confidentiality

TJJD strictly adheres to a policy of confidentiality and does not disclose names of individuals with disabilities or information concerning the application or accompanying documentation unless the accommodation will require the assistance of the proctor. Exams administered with accommodations are scored no differently than other exams.

## How to Request Exam Accommodations

Please follow the instructions below in preparing and submitting your application:

1. Read the **Guidelines for Professional Documentation Supporting Request for Exam Accommodations** (see next section), along with applicable guidelines if your disability is a learning disorder or ADHD. If you do not already have the required professional documentation, share the guidelines with the professional who will be preparing your documentation.
2. Complete the Application for Exam Accommodations. The request should **indicate the nature of the disability and the exam accommodations needed**.
3. Attach documentation prepared by a qualified professional. This documentation must verify the disability and explain the need for exam accommodations. Compare your documentation with the information listed in the **Guidelines for Professional Documentation Supporting Request for Exam Accommodations** to ensure your submission is complete. **Incomplete documentation will delay processing of your request.**
4. Attach a personal statement describing your disability and its impact on your ability to function in a professional setting and in your daily life. Please include a description of any current workplace accommodations.
5. Submit a complete Application for Exam Accommodations to TJJD's Juvenile Justice Training Academy with the professional documentation and personal statement as soon as you are aware of the exam date. **TJJD must receive the complete submission at least two weeks before you take the exam.** Applications may be sent via email or certified mail.
6. Keep a copy of the application and documentation you submitted.
7. Accommodation requests by a third party (such as training officer, compliance officer, chief juvenile probation officer, etc.) on your behalf will not be accepted or considered.
8. You will be notified in writing of whether the accommodation request has been approved.
9. Submit a new and complete Application for Exam Accommodations with required documentation if you are required to retake the exam but have not done so within 90 days, unless TJJD determines a new submission is unnecessary due to the ongoing or permanent nature of your disability.

## Guidelines for Professional Documentation Supporting Request for Exam Accommodations

You must provide a detailed, comprehensive report on official letterhead from a qualified professional describing your disability and its severity and explaining the need for the requested accommodations. The report must:

1. **State a specific diagnosis of the disability using professionally recognized nomenclature**, e.g., diagnoses listed in the American Psychiatric Association Diagnostic and Statistical Manual (DSM); International Classification of Diseases (ICD).

2. **Be current.** Because the provision of accommodations is based on the current impact your disability will have on your ability to take the exam, **the evaluation should have been conducted no more than two years prior to the request for accommodations.**
3. **Clearly describe the specific diagnostic criteria and name the diagnostic tests used,** including date(s) of evaluation, specific test results, and a detailed interpretation of the test results in support of the diagnosis.
4. **Include all relevant educational, developmental, and medical history.**
5. **Give a detailed description of your current functional limitations due to the diagnosed disability** and an explanation of how the diagnostic test results relate to the identified functional limitations. The report must fully describe the current impact of the disability on physical, perceptual, and cognitive abilities, including current functional limitations in activities beyond test taking. The report must also include verification of your functional impairment by impartial third-party individuals who have observed you in day-to-day functioning or in professional situations.
6. **Recommend specific accommodations,** including assistive devices. The report must provide a detailed explanation of why these accommodations or devices are needed and how they will reduce the impact of the identified functional limitations on the specific examination for which they are requested.
7. **Describe any accommodations you currently use in daily functioning, especially professional and work-related activities,** and any past accommodations you received in an educational setting or on examinations because of the disability and whether or not the accommodations were effective. Note, however, that a prior history of accommodation, without demonstration of a current need, does not warrant the provision of a similar accommodation now. If no prior accommodations have been provided, the report must include a detailed explanation as to why no accommodations were given in the past but are needed now.
8. **Provide contact information and credentials of the professional evaluator that qualify him/her to make the diagnosis,** including information about professional license or certification and specialization in the area of the diagnosis. The dated report must be written on the professional evaluator's letterhead and clearly indicate the name, address, telephone number, and qualifications of the professional. The evaluator should present evidence of comprehensive training and direct experience in the diagnosis and treatment of adults in the specific area of disability.

### **Additional Guidelines if Request is Based on Learning or Cognitive Disabilities**

If requesting an accommodation based on learning or cognitive disabilities, the required evaluation and report must be completed by a qualified professional with comprehensive training in the field of learning disabilities. **Testing conducted as part of a comprehensive psychoeducational assessment can be no more than two years old.** A developmental disorder such as a learning disability originates before adulthood; therefore, school history and other information that demonstrates a history of impaired functioning should be included. Wherever possible, objective historical information should be provided.

**It is not acceptable to base a diagnosis on only one or two subtests.**

**Problems such as test anxiety, English as a second language (in and of itself), or slow reading without an underlying cognitive deficit, and failure to achieve a desired outcome on a test are not learning disabilities and are not covered under the ADA Amendments Act of 2008.**

### **Additional Guidelines if Request is Based on Attention Deficit/Hyperactivity Disorder**

**The evaluation must consist of more than patient observations and self-report. Information from third-party sources is critical in the diagnosis of adult ADHD.** The evaluation and report must include, but not necessarily be limited to, the following:

1. history of presenting attentional symptoms, including evidence of ongoing impulsive/hyperactive or inattentive behavior that has significantly impaired functioning over time;
2. developmental history;
3. family history for presence of ADHD and other educational, learning, physical, or psychological difficulties deemed relevant by the examiner; relevant medical and medication history, including the absence of a medical basis for the symptoms being evaluated;
4. relevant psychosocial history and any relevant interventions;
5. a thorough academic history of elementary, secondary, and postsecondary education;
6. evidence of impairment in several life settings (home, school, work, etc.) and evidence that the disorder significantly restricts one or more major life activities;
7. relevant employment history;
8. description of current functional limitations relative to an educational setting, including test taking, that are presumably a direct result of the described problems with attention;
9. a discussion of the differential diagnosis, including alternative or co-existing mood, behavioral, neurological, and/or personality disorders that may confound the diagnosis of ADHD;
10. test scores or subtest scores from a neuropsychological or psychoeducational assessment that may be helpful in determining the individual's pattern of strengths or weaknesses and in determining whether there are patterns supportive of attention problems. However, test scores alone cannot be used as the sole basis for the diagnostic decision.

**The report must include a specific diagnosis of ADHD based on the DSM-V diagnostic criteria.**

Individuals who report problems with organization, test anxiety, memory, and concentration only on a situational basis do not fit the diagnostic criteria for ADHD. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication by itself is not supportive of a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodation.

**Because of the challenge of distinguishing ADHD from normal developmental patterns and behaviors of adults, including procrastination, disorganization, distractibility, restlessness, boredom, academic underachievement or exam failure, low self-esteem, and chronic tardiness or non-attendance, a multifaceted evaluation must address the intensity and frequency of the symptoms and whether these behaviors constitute an impairment in a major life activity.**