

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 70.—Nondiscrimination on the Basis of Disability by Public Accommodations

21-70-31. Examinations and courses.

(a) Each public accommodation that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer the examinations or courses in a place and manner accessible to persons with disabilities or offer alternative arrangements for access.

(b) Examinations.

(1) Each private entity offering an examination covered by this section shall assure that:

(A) 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;

(B) any 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

(C) the examination is administered in facilities that are accessible to individuals with disabilities or alternative arrangements for access are made.

(2) Required modifications to an examination may include changes in the length of time permitted for completion of the examination and adaptation of the manner in which the examination is given.

(3) Each private entity offering an examination covered by this regulation shall provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless that private entity can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this regulation may include:

(A) taped examinations, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;

(B) Braille or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities;

(C) transcribers for individuals with manual impairments; and

(D) other similar services and actions.

(4) Alternative arrangements for access may include provision of an examination at an individual's home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements shall provide conditions which are comparable to those provided for nondisabled individuals.

(c) Courses.

(1) Each private entity that offers a course covered by these regulations shall make any modifications to that course necessary to ensure that the place and manner in which the course is given are accessible to individuals with disabilities.

(2) Required modifications may include changes in the length of time permitted for the completion of the course, substitution of specific requirements, or adaptation of manner in which the course is conducted or course materials are distributed.

(3) Each private entity that offers a course covered by this section shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless the private entity can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden. Auxiliary aids and services required by this section may include:

(A) taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;

(B) Braille or large print texts or qualified readers for individuals with visual impairments and learning disabilities;

(C) classroom equipment adapted for use by individuals with manual impairments; and

(D) other similar services and actions.

(4) Courses shall be administered in facilities that are accessible to individuals with disabilities, or alternative arrangements for access shall be made.

(5) Alternative arrangements for access may include offering the course through videotape, cassettes, or prepared notes. Alternative arrangements shall provide conditions which are comparable to those provided for nondisabled individuals.

(Authorized by K.S.A. 44-1004; implementing K.S.A 1992 Supp. 1009; effective Dec. 19, 1994.)

***** Authenticated Kansas Administrative Regulation *****