



U.S. Department of Education  
Office of Inspector General

# The Department's Administration of the Reasonable Accommodation Program

March 10, 2025  
ED-OIG/I24DC0165

*INSPECTION REPORT*

## NOTICE

Statements that managerial practices need improvements, as well as other conclusions and recommendations in this report, represent the opinions of the Office of Inspector General. The appropriate Department of Education officials will determine what corrective actions should be taken.

In accordance with Freedom of Information Act (Title 5, United States Code, Section 552), reports that the Office of Inspector General issues are available to members of the press and general public to the extent information they contain is not subject to exemptions in the Act.



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF INSPECTOR GENERAL

Audit Services

March 10, 2025

TO: Richard Smith  
Acting Deputy Secretary  
Office of the Deputy Secretary

FROM: Sean Dawson /s/  
Assistant Inspector General for Audit

SUBJECT: Final Inspection Report, "The Department's Administration of the Reasonable Accommodation Program," Control Number ED-OIG/I24DC0165

Attached is the subject final inspection report that consolidates the results of our review of the Department's administration of the reasonable accommodation program. We received your response to our draft report stating you have no written comments on the findings or recommendations.

U.S. Department of Education policy requires that you submit a corrective action plan within 30 days of the issuance of this report. The corrective action plan should set forth the specific action items and targeted completion dates necessary to implement final corrective actions on the findings and recommendations contained in this final report. Corrective actions that your office proposes and implements will be monitored and tracked through the Department's Audit Accountability and Resolution Tracking System.

In accordance with the Inspector General Act of 1978, as amended, the Office of Inspector General is required to report to Congress twice a year on recommendations that have not been completed after 6 months from the date of issuance.

We appreciate your cooperation during this inspection. If you have any questions, please contact Michele Weaver-Dugan at (202) 360-8454 or [michele.weaver-dugan@ed.gov](mailto:michele.weaver-dugan@ed.gov).

Attachment

# Results in Brief

## The Department's Administration of the Reasonable Accommodation Program



### Why the OIG Performed this Work

The Rehabilitation Act of 1973, as amended, requires the Department to provide reasonable accommodations for otherwise qualified employees with disabilities unless doing so poses an undue hardship. A reasonable accommodation enables a person with a disability to enjoy equal employment opportunities, benefits, and privileges. Reasonable accommodation requests should be processed in a manner that imposes the fewest burdens on individuals with disabilities and permits the most expeditious consideration and delivery of the reasonable accommodation if one is available.

Effective administration of the reasonable accommodation program helps ensure that individuals with disabilities understand how to approach the process. It will also help them and agency managers understand what is expected of them as they work through the process.

The objective of our inspection was to review the Department of Education's (Department) administration of its reasonable accommodation program. This included determining whether reasonable accommodation requests were processed timely and in accordance with applicable policies and procedures.

### What did the OIG Find?

We found that improvements are needed in the Department's processing of reasonable accommodation requests. Specifically, we found that the Department did not always process employee reasonable accommodation requests in accordance with relevant policies and procedures or maintain adequate documentation to allow for a determination of whether it complied with these policies and procedures, including those related to processing timeframes. In addition, we found that the Department did not adequately process applicant reasonable accommodation requests to ensure that accommodations were only provided to applicants with a qualifying disability.

We also found that the Department does not have adequate processes to track and report on reasonable accommodation requests. The processes used by the Department do not ensure that all requests are captured, that data specific to the requests is adequately tracked, and that data is properly reported. We also noted issues with the quality of the data included in spreadsheets used by the Department to track and report on reasonable accommodation requests.

### What Is the Impact?

Failure to follow policies and procedures, along with unclear or inadequate guidance, increases the Department's risk of inconsistent treatment of reasonable accommodation requests, increased processing times, and complaints and litigation over perceived unfairness and not following laws and regulations. Without properly reviewing applicant requests for reasonable accommodation, the Department may unknowingly grant applicants accommodations for reasons unrelated to a qualifying disability, providing an unfair advantage over others. Without an adequate tracking system, the Department risks overlooking reasonable accommodation requests, which can lead to delays in providing accommodations and inaccurate reporting on reasonable accommodations.

### What Are the Next Steps?

We made 13 recommendations to the Deputy Secretary to improve the Department's processing, tracking, and reporting of reasonable accommodation requests and improve the overall administration of the reasonable accommodation program.

The Office of the Deputy Secretary provided no formal written comments in response to our draft report but stated that they would develop a corrective action plan to address the recommendations provided.

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# Introduction

## Background

The Rehabilitation Act of 1973, as amended, requires Federal agencies to provide reasonable accommodation to qualified employees and applicants with disabilities unless doing so would cause undue hardship. A reasonable accommodation enables a person with a disability to enjoy equal employment opportunities, benefits, and privileges.

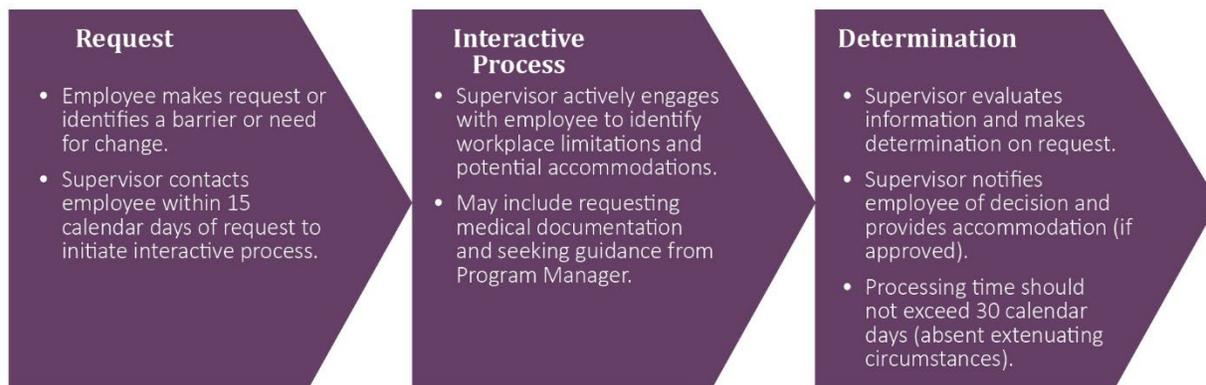
Within the U.S. Department of Education (Department), the Office of Equal Employment Opportunity Services (OEEOS), under the Office of the Deputy Secretary,<sup>1</sup> is responsible for the overall management of the Department's Equal Employment Opportunity program and ensuring equal employment opportunity policies and procedures are carried out in accordance with existing regulations and directives. Within OEEOS is the reasonable accommodation program, which assists employees with reasonable accommodation and program access. It can help managers and employees work through the reasonable accommodation process, obtain expert guidance and assessments, and procure necessary equipment and services to accommodate a qualifying disability or disabling condition. The reasonable accommodation program is led by a Reasonable Accommodation Program Manager (Program Manager) who provides Department-wide technical assistance, training, and support to managers and employees as they move through the reasonable accommodation process. The Program Manager also manages the centralized fund for reasonable accommodation purchases.<sup>2</sup> Federal Student Aid (FSA) has a separate Program Manager to assist with requests from employees within that office. See the Figure below for an overview of the Department's reasonable accommodation process.

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<sup>1</sup> Effective October 6, 2024, OEEOS was relocated from the Office of Finance and Operations to the Office of the Deputy Secretary.

<sup>2</sup> Principal Offices are responsible for providing accommodations but because it is often difficult to anticipate or budget for accommodation requests, the centralized funding mechanism was established. Principal Office Executive Offices are expected to purchase low-cost items themselves, such as those \$150 or under, or items that are available from general office supply vendors.

**Figure. Reasonable Accommodation Process**



The Department is required to report annually to the Equal Employment Opportunity Commission (EEOC) on the status of its reasonable accommodation program under guidance provided by EEOC’s Management Directive 715 (MD-715), dated October 1, 2003. Reporting includes information such as the average timeframe for processing initial requests for reasonable accommodations during the reporting period, whether the Department processed all initial accommodation requests within the timeframe set forth in its reasonable accommodation procedures, and if not, the percentage of timely-processed requests for the reporting period, and a description of the effectiveness of the policies, procedures, or practices in place to implement the agency’s reasonable accommodation program.<sup>3</sup>

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<sup>3</sup> Related guidance notes that some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

## Finding 1. Improvements are Needed in the Department's Processing of Reasonable Accommodation Requests

We found that improvements are needed in the Department's processing of reasonable accommodation requests. Specifically, we found that the Department did not always process employee reasonable accommodation requests in accordance with relevant Department policies and procedures or maintain adequate documentation to allow for a determination of whether it complied with these policies and procedures, including those related to processing timeframes. We also found that the Department did not adequately process applicant reasonable accommodation requests to ensure that accommodations were only provided to applicants with a qualifying disability.

The Department's Reasonable Accommodation Handbook (Handbook) states that the Department will apply a fair and consistent procedure for determining whether an employee is a "qualified individual with a disability" as defined by law and when evaluating accommodation requests. As part of this process, the Handbook states that

- reasonable accommodation requests should be processed as soon as possible, but no later than 30 calendar days from the date the request is made absent extenuating circumstances;
- supervisors should begin processing an accommodation request as soon as it is made, whether or not written confirmation has been provided;
- supervisors must contact the employee requesting the reasonable accommodation within 15 calendar days of receipt of a reasonable accommodation request to initiate the interactive process; and
- when an interim accommodation is provided, supervisors should notify the employee in writing that they are being provided with a temporary accommodation while their reasonable accommodation request is under review.

The Handbook further states that the Department is entitled to ask an individual to provide medical information to show that they have a covered disability that requires accommodation, if their disability or need for an accommodation is not obvious or already known to the Department, or to support an ongoing need for a reasonable accommodation. A supervisor may submit an employee's request and corresponding medical information to a medical review officer, via the Program Manager, when the supervisor is unable to independently determine whether the employee has a disability or whether an accommodation is needed. The Program Manager may be consulted by managers and employees to facilitate the reasonable accommodation process and

serves as a neutral party to provide information and resources. The Program Manager does not make decisions and supervisors are not required to obtain the Program Manager's concurrence on any decisions.

Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, was issued on July 26, 2000, and requires all Federal agencies to institute procedures for processing reasonable accommodation requests. In addition, EEOC policy guidance on implementing Executive Order 13164 states that the agency must notify the individual of the reason for the delay where there is a delay in either processing a request for, or delivering, a reasonable accommodation. To the extent possible, the agency must also keep the individual informed of the date on which the agency expects to complete the process.

### **Issues Processing Employee Reasonable Accommodation Requests**

We found that the Department did not always process employee reasonable accommodation requests according to Department policies and procedures or maintain adequate documentation to allow for a determination of whether it complied with these policies and procedures, including those related to processing timeframes. We reviewed a nonstatistical stratified random sample of 26 out of 47 reasonable accommodation requests made by Department employees in fiscal year (FY) 2023 and identified 19 requests (73 percent) that had at least one issue. Issues identified included the following:

- We were unable to determine whether 16 of the 26 (62 percent) requests were processed within established timeframes. Specifically, for 16 employees, we could not determine whether they received an accommodation within 30 calendar days from when their request was made as we were unable to identify the request date or the provision date. For the 10 requests where we were able to identify both a request date and provision date, we determined that 1 was not processed within the required 30-day timeframe (i.e., the employee did not receive an accommodation within 30 days from when their request was made).<sup>4</sup>

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<sup>4</sup> The Department's Handbook notes that the time between requesting and receiving medical documentation or information does not count against the calculated processing time. However, because information related to medical requests was not easily identifiable or documented in the supporting documentation, we could not consider this in any timeliness calculations.

- We were unable to determine whether 13 of the 26 (50 percent) requests were responded to within established timeframes. Specifically, for 12 of the requests, we were unable to identify when the supervisor initially responded; for 1 request, we were unable to determine the initial request date. For the 13 requests where we were able to determine the timeliness of the supervisor's initial response, we found that 1 was not responded to within 15 calendar days as required.
- For all four reasonable accommodation requests where the supervisor indicated to the Program Manager that they wanted to request a medical review officer to assist in determining whether the employee had a disability or whether an accommodation was needed, it was not clear from the supporting documentation whether the Program Manager acted on the requests.<sup>5</sup> For two of the four requests, we noted that the supervisors contacted the Program Manager approximately 3 and 6 months, respectively, after the requests were sent to obtain status updates. We did not see any communication indicating the employees in these two instances were notified of a reason for the delays or of the date on which the agency expected to complete the process, as required.
- Two requests<sup>6</sup> were submitted for medical review officer assessments by the FSA Program Manager, although it was not clear if they were necessary or whether the review was initiated by the supervisor, as required. In both cases, the medical review requests submitted by the FSA Program Manager had already noted that the medical documentation provided addressed the employees' conditions and medically recommended the accommodations. We also noted in both cases that the FSA Program Manager expressed concurrence with the medical review officers' findings when forwarding the results to the supervisor despite the Handbook noting that the Program Manager is to act as a neutral party. For one medical review, we found it added approximately 45 days to the processing time even though there was no evidence that a review was needed.

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<sup>5</sup> According to the Department's Handbook, if a supervisor requests a medical review officer assessment, they must submit the request to the Program Manager. Only the Program Manager interfaces with the entity the Department has an interagency agreement with in requesting medical officer review services.

<sup>6</sup> According to the FSA Program Manager, these are the only two requests that were made by FSA employees during FY 2023.

- For two of three requests where we identified an interim accommodation was provided, there was no evidence indicating the employees were notified in writing as required.
- For one request, the employee was erroneously told by their supervisor that they needed to submit their request in writing using the Reasonable Accommodation Request form (Appendix A in the Department's Handbook) before the request would be processed. This resulted in a delay of over 2 months for the request to be approved due to both the employee and supervisor being unable to locate an editable version of the form.

We found that the issues with the Department's processing of employee reasonable accommodation requests likely occurred because the Department's Handbook includes procedures that are vague and lacking in needed detail, and individuals involved in the process are unaware of or do not follow stated policies.

Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation and 29 C.F.R. section 1614.203 requires Federal agencies to establish reasonable accommodation procedures that are effective and easy to understand. However, after reviewing the Handbook, we found that the Handbook notes several points at which an employee is supposed to be contacted or activities are supposed to be conducted but then generally does not note a specific timeframe in which these need to be done even though there is a time requirement associated with the reasonable accommodation process. This includes when an interim accommodation is provided while the employee's request is under review, when extenuating circumstances exist that delay the process, or when a medical review officer assessment is requested. In addition, the Handbook generally does not discuss whether these communications need to be in writing and what specifically needs to be documented and communicated by supervisors.

We also found that some supervisors and employees were provided information related to the reasonable accommodation process that was not contained in the Department's Handbook, including through additional training materials, a flowchart developed by OEEOS, and general information that was sent by the Program Manager to individuals requesting information on the Department's reasonable accommodation program. Table 1 provides examples of information included in a presentation provided to senior leaders and staff and correspondence from OEEOS to individuals seeking information on the reasonable accommodation process that provide details currently lacking in the Department's Handbook and would not be available to everyone.

**Table 1. Differences between informal guidance and Department’s Handbook**

| Informal Guidance Provided to Supervisors and Employees   | Policy in the Department’s Handbook <sup>7</sup>  |
|---|---|
| Supervisors must contact the employee requesting the reasonable accommodation within 15 calendar days in writing.   | Does not state that the contact needs to be in writing.   |
| If the supervisor did not require additional information or submission for medical review, the supervisor must make a decision within 30 calendar days of receipt of request and provide it to the employee in writing. | Does not state that the decision needs to be provided in writing.   |
| Upon receipt of additional information provided from employee or medical review officer, supervisors must make decisions and submit to the employee within 15 calendar days in writing.                                 | Other than stating requests should be processed as soon as possible, but no later than 30 calendar days from the date the request is made, absent extenuating circumstances, it does not indicate that the supervisor must make a response within a certain number of days. |
| In the event a 30-day decision is not possible, the supervisor will continue to communicate updates to employee at a minimum of every 30 calendar days.   | States that when extenuating circumstances exist, the supervisor must notify the individual, and that any developments or changes should be communicated promptly to the individual. It does not specify the minimum frequency by which updates must be provided.           |
| Supervisors are to memorialize the steps taken to consider the request and provide a copy of their decision to the requestor and Program Manager.   | Simply states that supervisors must notify the Program Manager when a reasonable accommodation is requested or has been approved.   |

Further, we found that the issues with the Department’s processing of employee reasonable accommodation requests likely occurred because FSA has created additional standard operating procedures that conflict with issued Department policies and procedures. We found that FSA has its own reasonable accommodation standard operating procedures that go beyond the Department’s policies and procedures.

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<sup>7</sup> The information noted is from the version of the Handbook in effect during the scope of our review, dated January 24, 2022. The Handbook was subsequently updated in May 2024, but the policy cited in the table did not change.

Specifically, FSA requires a Federal Occupational Health<sup>8</sup> medical release form as a prerequisite to initiating the reasonable accommodation process. FSA's procedures state that reasonable accommodation requests are sent to Federal Occupational Health for review along with applicable medical documentation and release forms. The FSA Program Manager noted that this has been their standard operating procedure to help supervisors make decisions on reasonable accommodation requests.<sup>9</sup> However, the Department's Handbook states that the reasonable accommodation process begins as soon as the request for the change or identification of a barrier is made, whether orally or in writing, that the Department is entitled to receive medical information about the disability if the employee's or applicant's disability is not obvious, and does not require a medical release form before a reasonable accommodation request can be processed. Further, as previously noted, the Handbook states that an employee's reasonable accommodation request is submitted for medical review when the supervisor is unable to independently determine whether the employee has a disability or whether an accommodation is needed. The Department's Program Manager stated that if a medical review was unnecessary, it delayed the accommodation, and the employee decides to move forward with an allegation of a violation, there is a chance of a liability.

We found that the OEEOS Director and the Department's Program Manager were unaware of FSA's separate standard operating procedures. The OEEOS Director stated that they should review the procedures to make sure they stem from, and do not go beyond, the Department's Handbook. The Department's Handbook was reviewed and approved by the EEOC while FSA's standard operating procedures were not. The Department's Program Manager stated that if FSA's standard operating procedures go beyond the Department's policies or state something different from the Department's Handbook, then the document would have to be modified to comply.

We also found that the Program Manager does not have an adequate system to manage documentation related to reasonable accommodation requests. We found that the Program Manager maintains supporting documentation related to requests in their work email account. The Program Manager subsequently established folders for each individual selected as part of our review and uploaded applicable emails. Our review of

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<sup>8</sup> The Department has an interagency agreement with the Department of Health and Human Services' Federal Occupational Health for the provision of independent reviews and assessments of medical information related to reasonable accommodation requests.

<sup>9</sup> At our exit conference held with Department officials upon completion of our review, the FSA Program Manager noted that they are no longer submitting every request for medical review. However, we did not note a corresponding change to FSA's standard operating procedures posted on its website.

the supporting documentation contained in the folders revealed unorganized documentation, to include extraneous and duplicate copies of emails, and did not always include the necessary information to track the status of requests or determine the timeliness of the process. [See Finding 2 for further discussion on tracking and reporting.]

### **Issues Processing Applicant Reasonable Accommodation Requests**

We found that the Department's processes related to its review of applicant reasonable accommodation requests do not follow applicable Department policy. Specifically, the policy states that the Human Resources Specialist listed in the job announcement is responsible for evaluating all available information submitted by the applicant and will make determinations related to qualifying disabilities, approval, or denial of requests, or whether more information is needed. We found that the Program Manager processes applicant reasonable accommodation requests, which consists of a cursory review and approval of the requests without establishing that the applicant has a qualified disability.

The Program Manager explained that there are two types of reasonable accommodations that job applicants can request. The first consists of requests for additional time to complete assessments the applicant must take associated with applicable job vacancy announcements. The Program Manager explained that these requests go through the USAJOBS portal and the hiring system used by the Department. The second type of request consists of accommodations for the interview, such as an interpretive service or space requests.

The Program Manager stated that if the request is for something the Department can provide, they approve it immediately. If they are unsure, they check with someone, such as a Human Resources Specialist, to see if an accommodation can be provided. In addition, they stated that if they receive complex requests or requests they do not feel comfortable approving, they will ask a Human Resources Specialist to make the decision. However, the Program Manager noted that they have not encountered such requests.

As we did not have access to the Department's hiring system, we reviewed screenshots from the hiring system provided by the Program Manager of reasonable accommodation requests made in FY 2023. A total of 89 reasonable accommodations were requested by applicants in FY 2023. The Program Manager approved 81 of these requests; 8 requests were withdrawn by the applicants. The screenshots listed information such as the date of the request, assessment type, applicant's name, requested accommodation, and status of the request. We found that all of the requests

were for time extensions and all of them were approved except for those withdrawn by the applicant. The screenshots provided by the Program Manager did not include whether an applicant's reasonable accommodation request was related to a medical condition or disability, but according to the Program Manager there is a narrative field in the hiring system used by the Department where the applicant can provide the reason as to why they are requesting the accommodation. The Program Manager stated that they do not assess the justification for the reasonable accommodation and added that there are times when the field is left blank and, even in those cases, they would still grant the time extension.

Both the Program Manager and OEEOS Director explained that prior to FY 2022, the Office of Human Resources was responsible for handling applicant reasonable accommodation requests but no longer wanted to be the decision maker. Despite the Department's Handbook stating that the Program Manager does not make decisions to approve or deny a reasonable accommodation request and that the Office of Human Resources was responsible for applicant requests, the Office of Human Resources asked OEEOS to take over the process, stating that their involvement would slow down the process and approval of accommodations. As a result, the OEEOS Director agreed to have the Office of Human Resources send requests to them, noting that if the request is specific to taking the assessment associated with a vacancy announcement, they will approve it but if the request is not about the assessment and is about something else, they would send it back to the Office of Human Resources for them to decide. According to the Program Manager, the OEEOS Director stated that they would not deny any of the requests and are signing off on them because they do not believe they should be the decision makers. The OEEOS Director also stated that it is not easy for them to request and get information from applicants and that to expedite the process, they approve the requests, noting they may be giving the applicants an advantage by not pursuing whether they have a qualifying disability.

Not processing reasonable accommodation requests according to policies and procedures along with unclear or conflicting policies and procedures can lead to inconsistent treatment of applicants and employees and increased processing times of reasonable accommodation requests. Both circumstances open the Department to risks such as complaints and litigation over perceived unfairness and not following laws and regulations. Inadequate supporting documentation and file maintenance can further expose the Department to risk in the event of any related complaints. Moreover, not handling requests according to policy and procedure could unnecessarily delay or impact an employee's ability to perform the essential functions of their job and cause low morale, impacting the Department's bottom-line.

Without properly reviewing applicant reasonable accommodation requests, applicants may receive accommodations that can result in them gaining unfair advantages over others. This may result in the process being misused by individuals who may request accommodations for reasons unrelated to a qualifying disability, thereby undermining the intent of the reasonable accommodation program and the integrity of the Federal government’s hiring process.

## Recommendations

We recommend that the Deputy Secretary—

- 1.1 Update policies and procedures to provide additional clarification to help supervisors and employees work through each step in the reasonable accommodation process, such as clarifying supervisors’ responsibilities when a request is first received, when a medical review officer assessment is requested, when an interim accommodation is provided, when extenuating circumstances or delays exist, and when a decision is made.
- 1.2 Require OEEOS management to research reasonable accommodation policies and procedures of other Federal agencies to identify and adopt best practices to improve the clarity, transparency, and efficiency of the Department’s reasonable accommodation policies and procedures.
- 1.3 Ensure that reasonable accommodation materials and guidance, including training materials, are readily available and are consistent with Department policies and do not establish additional requirements beyond what is in Department policy.
- 1.4 Require OEEOS to hold or offer periodic refreshers or trainings on the reasonable accommodation program in addition to mandatory, online trainings, to encourage the proper handling and processing of reasonable accommodation requests.
- 1.5 Establish a formal process for the Department and FSA to coordinate the administration of their respective reasonable accommodation programs, to include ensuring that FSA is aware of Department policy and that any additional program guidance developed by FSA is consistent with Department policy.
- 1.6 Ensure Department policy is followed regarding reasonable accommodation requests from applicants, to include determining whether requests are associated with a qualifying disability, and that the Program Manager is not in a decision-making role.

- 1.7 Develop an appropriate system for documenting all reasonable accommodation requests in a manner where the documentation is complete, organized, and readily available for examination.

## **Finding 2. The Department Does Not Have Adequate Processes to Track and Report on Reasonable Accommodation Requests**

We found that the Department does not have adequate processes to track and report on reasonable accommodation requests. Specifically, we noted that the Department relies on the use of spreadsheets developed and maintained by the Program Manager to track and report on reasonable accommodation requests, but the use of these spreadsheets does not ensure that all requests are captured, data specific to the requests is adequately tracked, and data is properly reported. We also noted issues with the quality of the data included in the spreadsheets.

Per Title 29, Code of Federal Regulations (C.F.R) section 1614.203, Federal agencies are required to keep records of details about each request for reasonable accommodation. This includes, but is not limited to, information on the specific reasonable accommodation requested, if any, whether the request was granted (including an accommodation different from the one requested) or denied, the identity of the deciding official, if denied, the basis for such denial, and the number of days taken to process the request. Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, requires agencies to track the processing of requests for reasonable accommodation, and the EEOC policy guidance implementing the Executive Order further stipulates that all agencies must be able to identify the number and types of reasonable accommodations that have been requested in the application process and for each job, the numbers and types that have been approved, and the number and types that have been denied, the reasons for denial of requests for reasonable accommodation, the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations, and the amount of time taken to process each request for reasonable accommodation. These information tracking requirements are also noted in the Department's Handbook.

### **Tracking Spreadsheet**

We found that the Program Manager developed a spreadsheet to track reasonable accommodation requests made during the fiscal year. The Program Manager uses the spreadsheet to update the OEEOS Director on key developments of outstanding requests during status briefings held with the OEEOS Director every 2 weeks. According to the Program Manager, they started using the spreadsheet in 2021 as a working document or organizational tool that they initially updated every few days. However, it was not kept up to date and did not track all of the information required by Executive Order 13164 and EEOC's policy guidance implementing that order. This included not tracking the jobs (occupational series, grade level, and agency component) for which

accommodations were requested, the numbers and types of requests that have been approved or denied for each job by agency component, the reasons for denial of requests, and the sources of technical assistance that were consulted in trying to identify possible reasonable accommodations. Both the Program Manager and OEEOS Director described the tracking spreadsheet as a running version where data gets deleted either because requests are closed out or the file gets too big. The Program Manager added that the tracking spreadsheet does not capture a lot of data and that it is insufficient because they could not keep up with it throughout the year.

The Program Manager stated they do not collect or track all of the information required because they have never been asked for that information by anyone at that level of granularity. They stated that conceptually, if an allegation or complaint occurred and that level of information was needed as part of the process, they would be able to gather that information for any individual by reaching out to the supervisor. When asked what would happen in cases where the employee's supervisor was no longer with the Department, the Program Manager stated that they could reach out to the employee. In addition, the Program Manager stated that they believe that the Department's information technology department keeps everything but that they were not sure. The Program Manager added that the Department should track this information and follow up with supervisors to obtain this information but noted that they currently do not.

### **Reporting Spreadsheet**

The Program Manager uses a second spreadsheet to gather reasonable accommodation data for annual EEOC MD-715 reporting purposes to report items such as the number of requests received during the fiscal year and the average processing time. The Program Manager collects information for the spreadsheet from email files and enters relevant data into the spreadsheet, usually over a 2- to 3-week period prior to the submission of the annual MD-715 report.

We found several issues with the reporting spreadsheet that could affect the accuracy, reliability, and completeness of the data used for MD-715 reporting, including the exclusion of relevant data that could impact timeliness calculations and the exclusion of logic checks. In addition, we found that the data included on the spreadsheet did not always match supporting documentation, and the spreadsheet did not always capture data from FSA that is needed for MD-715 reporting. Finally, we noted that the spreadsheet was not finalized at the time of reporting as the Program Manager continued updating the spreadsheet after submission of the FY 2023 MD-715 report.

## **Reporting Spreadsheet Lacked Necessary Information and Logic Checks for Accurate Reporting**

We found that the reporting spreadsheet did not capture necessary data related to medical information, may not include all reasonable accommodation requests made, and does not include logic checks to ensure the reliability and accuracy of the information being reported.

According to the Handbook, the timeframe for processing an accommodation request stops when the Department requests medical documentation or information and resumes when the Department receives the requested information. However, we found that the spreadsheet did not capture data related to when medical information was requested and received, which could impact timeliness calculations. We noted that the Handbook only requires supervisors to notify the Program Manager when a reasonable accommodation is requested or when a reasonable accommodation has been provided, which may not provide sufficient information for the Program Manager to track and report on reasonable accommodations.

Additionally, the spreadsheet does not capture reasonable accommodation requests that are not reported to the Program Manager, which could impact the average processing time calculation. The reasonable accommodation process is heavily dependent on supervisors notifying the Program Manager about requests. The Program Manager noted that there could be requests that they are never aware of because supervisors are the decision makers and do not need the Program Manager's approval.

This can include notifications of requests for assistive technology that employees can make through the Department's self-service portal that bypass the Program Manager. We found that employees can use the Department's ServiceNow portal to request assistive technology services with or without a medical need, but the portal does not have a built-in mechanism for the employee to indicate whether the request is being requested as a reasonable accommodation. We found that 88 employees made 123 requests for assistive technology through the Department's ServiceNow portal in FY 2023 and 5 of the requests (4 percent) were included on the Program Manager's spreadsheet.

The Program Manager explained that if the employee's supervisor and their information technology principal office coordinator approve the request, then the employee can be provided with the requested assistive technology without the knowledge of the Program Manager. The only way the Program Manager would be aware of such requests is if the employee informed their supervisor that the request was made as a reasonable accommodation and the supervisor or employee then notified them.

Finally, we found that the reporting spreadsheet lacked logic checks to ensure the reliability of the information and accuracy of the information being reported. This included dates that were logically not feasible and request dates that fell outside of the fiscal year. We identified eight instances on the Program Manager's reporting spreadsheet where the date of request for a reasonable accommodation request fell outside of the FY 2023 reporting period. In addition, we identified one instance where the response date listed was before the request date listed and another instance where the decision date listed was before the request date listed. Without logic checks, the spreadsheet and the Department's MD-715 report are susceptible to inconsistencies or errors.

### **Reporting Spreadsheet Data Differs from Supporting Documentation**

We noted that the reporting spreadsheet included data entries that did not match the supporting documentation for 19 (73 percent) of the 26 reasonable accommodation requests included in our sample. Of the 26 requests, we found that 15 had request dates and 12 had provision dates that were not supported by the documentation provided.

According to 29 C.F.R. section 1614.203 and the Department's Handbook, the timeframe for processing begins when the request is made. However, we found that the Program Manager used events that do not align with this standard to populate the request dates in their spreadsheet, which was often the first known correspondence between them and a party to the request (e.g., information technology specialist, requesting employee, or supervisor) even though the documentation indicated the reasonable accommodation request had already been initiated. In one example, the Program Manager used the date that an employee emailed information requested by the supervisor as the request date even though the employee indicated that their initial request was made approximately 4 months before the date listed by the Program Manager. In another instance, the Program Manager used the date that the supervisor notified them of their decision.

For provision dates, the Handbook does not define when the reasonable accommodation process ends. However, according to the OEEOS Director and Program Manager, they were informed by the EEOC that a reasonable accommodation request provision date equates to when an employee starts enjoying their accommodation, either via a fully effective interim accommodation being put in place or the final accommodation. We found that the Program Manager used events to populate the provision date in their spreadsheet that did not match the EEOC description, including the date the employee provided medical documentation, estimated delivery dates, or the dates executive offices were asked to order accommodations.

## **Reporting Spreadsheet Did Not Include All Agency Data Needed for MD-715 Reporting**

We found that the reporting spreadsheet did not include all of the agency data needed for MD-715 reporting. Specifically, FSA's reasonable accommodation data was not included in the Department's MD-715 report submissions since at least 2019.<sup>10</sup>

According to the OEEOS Director, the MD-715 report is enterprise-wide, and as such, OEEOS reports should include FSA and Department data. However, FSA maintains its own reasonable accommodation files and has its own Program Manager. The Department's Program Manager stated that the Department's and FSA's programs work entirely independently, OEEOS does not see FSA's data, and FSA's reasonable accommodation requests would not be included in their files.

We found that there is a lack of communication and information sharing between the Department's Program Manager and FSA's Program Manager. The Department's Program Manager noted that while they are available to one another as a resource, they communicate about two to four times a year maximum. In addition, we found that the OEEOS Director was under the assumption that the FSA reasonable accommodation data was being included in the Department's MD-715 reports; it was not until FY 2023 that the OEEOS Director became aware that this was not the case.

## **Reporting Spreadsheet Was Not Finalized at Time of MD-715 Reporting**

We found that the reporting spreadsheet was not finalized at the time of reporting as the Program Manager continued updating the spreadsheet after the Department's submission of the FY 2023 MD-715 report. We reviewed the Department's FY 2023 MD-715 report that was submitted on May 1, 2024, which stated that the Department processed 68 reasonable accommodation requests in FY 2023. However, the Program Manager made subsequent modifications to the reporting spreadsheet on May 22, 2024, resulting in the reporting spreadsheet listing only 48 FY 2023 reasonable accommodation requests. When we asked the Program Manager about the discrepancy, they explained that they subsequently found that there were some requests that originated earlier than FY 2023 on the prior version of the spreadsheet. The Program Manager added that there were also some requests that were not included on the original spreadsheet used to prepare the report.

We also noted that the Department reported that it processed all reasonable accommodation requests within the timeframe set forth in its procedures when the

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<sup>10</sup> The Program Manager stated that they had not seen FSA's reasonable accommodation data since 2018.

spreadsheet indicated otherwise. After questioning the response in the MD-715 report based on our own review of the data, the Program Manager indicated that it was an error, and the response should have been “no.” The Department subsequently submitted a revised MD-715 report in late May 2024, to correct its timeliness response and the number of requests processed.

Overall, we found that the inadequate tracking and reporting processes are a result of a lack of controls and a lack of adequate resources to manage the reasonable accommodation program. According to the Government Accountability Office’s (GAO) *Standards for Internal Control in the Federal Government*, common control activities that may be useful to management so that internal control objectives are achieved include promptly recording transactions to maintain their relevance and value, clearly documenting internal control and all transactions in a manner that allows the documentation to be readily available for examination, properly managing and maintaining documentation and records, and using edit checks for data entered. Principle 5 states that management is responsible for evaluating pressure on personnel to help personnel fulfill their assigned responsibilities and can adjust excessing pressures using different tools such as rebalancing workloads or increasing resource levels.

We found that the Department’s Handbook includes procedures that are vague and lacking in needed detail that could assist in ensuring the Program Manager is aware of all requested accommodations, including when and how an employee or employee’s supervisor is responsible for notifying the Program Manager when an accommodation is requested. For example, the Handbook states that an employee or applicant may initiate their request with any supervisor in their chain of command, to OEEOS, or to any agency employee connected with the application process but does not clearly state that their supervisor also needs to be notified if not the initial point of contact, even though the supervisor is responsible for notifying the Program Manager of the reasonable accommodation for tracking purposes. The Handbook also contains conflicting information as to whether the employee is expected to notify the Program Manager when a reasonable accommodation has been requested or provided. This is not explicitly stated as an employee responsibility under the Roles and Responsibilities section as it is for a supervisor; however, another section of the Handbook related to Reporting and Tracking states that both are required to notify the Program Manager.

Further, we found that the Program Manager’s workload did not allow them to keep track of reasonable accommodation requests throughout the year and an unbalanced workload led them to focusing primarily on providing requested reasonable accommodations and less so on tracking requirements and data maintenance. When speaking with the Program Manager, they noted that they are “stretched thin” and their

workload would be fine if they did not have additional responsibilities beyond that of the Program Manager. According to the Program Manager, the loss of a staff member in July 2023 led to them assuming Contracting Officer Representative duties for all of their contracts and interagency agreements, five of which were up for recompetition and in danger of lapsing.

Moreover, the Department identified available resources as an area that needed improvement in its FY 2023 MD-715 report. Specifically, the Department established an objective of increasing resources available to the reasonable accommodation program and improving processes to increase efficiency. This included hiring one new staff member to assist the Program Manager. However, as of October 2024, the OEEOS Director stated that they are working with the Department to determine if the budget is available for this position.

Without an adequate process in place to track reasonable accommodation requests, the Department is susceptible to overlooking requests that need follow up when responding to and processing reasonable accommodation requests, which could lead to the untimely processing of requests. In addition, the Department's annual MD-715 reports to the EEOC are likely to be, and have been, inaccurate or incomplete.

Because the Program Manager does not monitor or track reasonable accommodation requests throughout the year, they are less likely to be aware of ongoing concerns or challenges facing the program, will have incomplete records, and will have an increased workload during reporting. This could lead to the Department not identifying weaknesses or deficiencies in its reasonable accommodation program and, therefore, not looking for ways to improve.

## Recommendations

We recommend that the Deputy Secretary—

- 2.1 Assess whether OEEOS has allocated sufficient resources and assistance to the reasonable accommodation program and make changes as appropriate.
- 2.2 Direct the Program Manager to develop and implement a tracking system that includes appropriate data validation checks and captures all of the information the Department is legally required to track and report.
- 2.3 Ensure the Program Manager is populating the tracking system with dates that comply with definitions established in policy (e.g., request dates; provision dates).
- 2.4 Develop and implement the use of a form that supervisors are required to complete and submit to the Program Manager within a specified timeframe after a reasonable accommodation request is received to assist with ensuring

the Program Manager is notified of all requests and captures needed data for tracking and reporting purposes.

- 2.5 Coordinate with the Office of the Chief Information Officer to determine whether a process can be established that would allow reasonable accommodation requests for assistive technology submitted through the ServiceNow portal to be designated as such and notifications of such requests to be automatically sent to the Program Manager for tracking and reporting purposes.
- 2.6 Ensure the Department's Program Manager coordinates with the FSA Program Manager to obtain needed data for compiling the annual MD-715 report.

## Appendix A. Scope and Methodology

Our inspection covered the Department's administration of its reasonable accommodation program from October 1, 2022, to September 30, 2023. To answer our objective, we reviewed and gained an understanding of the following laws, regulations, and guidance related to the reasonable accommodation program:

- Sections 501 and 505 of the Rehabilitation Act of 1973, as amended;
- Executive Order 13164: Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation;
- 29 C.F.R section 1614.203;
- EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the American with Disabilities Act;
- EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation;
- EEOC Management Directive 715; and
- *GAO's Standards for Internal Control in the Federal Government.*

We interviewed Department officials who were involved in administering the Department's reasonable accommodation program including staff from OEEOS and FSA. We reviewed prior GAO and other Federal agencies' reports related to our objective to identify any relevant findings or recommendations. We also reviewed the Department's Reasonable Accommodation Handbook, FSA's Reasonable Accommodation Standard Operating Procedures, EEOC technical assistance letters issued to the Department, Department MD-715 reports, and reasonable accommodation training and presentation materials prepared by OEEOS.

We reviewed a nonstatistical stratified random sample of reasonable accommodation requests made in FY 2023 to determine whether the Department processed the requests according to policies and procedures established in its Handbook. This included determining whether:

- requests were processed in a timely manner (30 calendar days absent extenuating circumstances);
- the supervisor contacted the employee requesting the reasonable accommodation within 15 calendar days of the receipt of the request to initiate the interactive process;

- the supervisor notified the employee in writing that they were being provided with a temporary accommodation while their request is under review if an interim accommodation was provided;
- the supervisor notified the employee in a timely manner that a medical review officer's assessment was requested (where applicable);
- a medical review was requested only if the supervisor was unable to independently determine whether the employee has a disability or an accommodation is needed or the employee's disability is not obvious;
- the employee was notified of the decision once the supervisor made a determination on the reasonable accommodation request;
- a written notice was issued to the employee at the time of decision if they were denied a request for reasonable accommodation.

Executive Order 14035, signed on June 25, 2021, prioritized advancing diversity, equity, inclusion, and accessibility, and required Federal agencies to develop a related strategic plan. As part of its Diversity, Equity, Inclusion, and Accessibility Strategic Plan for Fiscal Year 2022–2026, the Department included five reasonable accommodation action items as part of its strategy to provide accessibility for all. Our inspection included reviews of information to assess whether the Department was addressing these action items and our draft report included information on this assessment. Because Executive Order 14035 was revoked in January 2025, we did not include those results in our final report. We notified the Department of the changes in March 2025.

We performed the work for this review from March 2024 through October 2024. We discussed the results of our review with Department officials on October 30, 2024.

### Sampling Methodology

To determine whether the Department processed reasonable accommodation requests timely and in accordance with policies and procedures, we reviewed a nonstatistical, stratified random sample of reasonable accommodation requests made by Department employees in FY 2023. From a list of 47 FY 2023 reasonable accommodation requests provided by the Department's Program Manager, we selected a sample of 26 (55 percent) reasonable accommodation requests by stratifying the population by the 14 principal offices that had requests submitted by employees in FY 2023.<sup>11</sup> We

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<sup>11</sup> Our review excluded the one request from the Office of Inspector General as we are not independent of our own activities.

randomly selected 50 percent of the requests from each principal office as well as all requests from principal offices that had only 1 request. Our sample is shown in Table 2.

**Table 2. Details of Our Sample**

| Principal Office  | Total Number of Requests | Number of Requests in Sample |
|---|--------------------------|------------------------------|
| Office for Civil Rights                                 | 8                        | 4                            |
| Office of Finance and Operations                        | 8                        | 4                            |
| Office of Elementary and Secondary Education            | 6                        | 3                            |
| Office of Postsecondary Education <sup>12</sup>         | 5                        | 2                            |
| Institute of Education Sciences                         | 4                        | 2                            |
| Office of Planning, Evaluation and Policy Development   | 4                        | 2                            |
| Federal Student Aid <sup>13</sup>                       | 2                        | 2                            |
| Office of the Chief Information Officer                 | 2                        | 1                            |
| Office of Communications and Outreach                   | 2                        | 1                            |
| Office of the Secretary                                 | 2                        | 1                            |
| Office of Career, Technical, and Adult Education        | 1                        | 1                            |
| Office of the General Counsel                           | 1                        | 1                            |
| Office of Legislative and Congressional Affairs         | 1                        | 1                            |
| Office of Special Education and Rehabilitative Services | 1                        | 1                            |
| <b>TOTAL</b>  | <b>47</b>                | <b>26</b>                    |

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<sup>12</sup> Sample size was rounded down.

<sup>13</sup> Because FSA processed its own requests, we selected all of its FY 2023 requests for review.

We designed our sampling plan and chose our sample size specifically to accomplish our audit objective. Because our sample was nonstatistical, the results may not be representative of the entire population of FY 2023 reasonable accommodation requests.

### **Use of Computer-Processed Data**

We relied on computer-processed data from the Department’s hiring system to identify reasonable accommodation requests made by applicants and the Department’s information technology self-service portal to identify assistive technology requests made by employees in FY 2023. Because the information in these systems was not material to our findings, was used for informational purposes and context, and was from the best available source, we concluded that the computer-processed data were sufficiently reliable for the purpose of our review.

### **Compliance with Standards**

We conducted our work in accordance with the Council of the Inspectors General on Integrity and Efficiency “Quality Standards for Inspection and Evaluation.” Those standards require that we plan and perform our work to obtain sufficient and appropriate evidence to support our findings and provide a reasonable basis for our conclusions. We believe that the evidence obtained provides a reasonable basis for our conclusions.

## Appendix B. Acronyms and Abbreviations

|                 |   |
|-----------------|---|
| C.F.R.          | Code of Federal Regulations                     |
| Department      | U.S. Department of Education                    |
| EEOC            | Equal Employment Opportunity Commission         |
| FSA             | Federal Student Aid                             |
| FY              | fiscal year                                     |
| GAO             | Government Accountability Office                |
| Handbook        | Reasonable Accommodation Handbook               |
| MD-715          | EEOC Management Directive 715                   |
| OEEOS           | Office of Equal Employment Opportunity Services |
| Program Manager | Reasonable Accommodation Program Manager        |