

# ACT to settle lawsuit over disability data

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IOWA CITY, Iowa – ACT must pay \$16 million to students who allege the company provided disability information about them to colleges without their permission and created barriers for them when trying to participate in a college recruitment program, according to a settlement agreement finalized this month.

The students also allege that ACT allowed colleges to search for students based on their disability status and discriminated against them by violating the Americans with Disabilities Act and California’s Unruh Civil Rights Act.

In the settlement agreement, a consent decree shows that ACT agrees to stop the practices. The company, which is based in Iowa City, Iowa, denies any wrongdoing.

The lawsuit was filed in August 2018, and since, the “parties have intensely litigated” the case, according to the agreement. After

filing several motions, the parties engaged in mediation and agreed to settle the claims.

First, the students alleged discrimination when ACT included information about disabilities students may have on their score report, which is sent to colleges. For example, if a student needed special accommodations for testing that information was included.

Secondly, in the lawsuit, the students allege ACT created barriers to their participation in the Educational Opportunity Service. The company’s program is a “student search service” that allows schools to search for students to recruit.

For students who requested special testing accommodations, the process to participate in the program included having students fill out a request form at least one additional time compared to students who don’t ask for accommodations. The plaintiffs argue this reduced the participation of students with disabilities significantly.

Finally, the students alleged that ACT allowed schools to search students based on their disability status in the Educational Opportunity Service recruitment program.

The settlement fund will

go toward plaintiffs who reside or tested in California for alleged violations of California law, their attorneys said.

