

## **Does Requiring a High School Diploma Violate ADA Rules?** *Employers are looking for answers*

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A recent informal letter issued from the federal agency that oversees employment laws has sparked discussion and some confusion among human resources managers and company owners nationwide. The Equal Employment Opportunity Commission (EEOC) issued an informal letter warning that requiring a high school diploma for a job applicant may violate the Americans with Disabilities Act, as amended.

Although the high school diploma requirement has been long standing among many employers, the EEOC is exposing the criteria as a possible violation of the rights of disabled Americans. The EEOC stated that a high school diploma requirement should only be used as a criterion for hiring to the extent that it is job related and consistent with business necessity. Essentially, the EEOC is saying that employers must determine whether job applicants whose learning disabilities kept them from obtaining diplomas can perform the essential job functions, with or without reasonable accommodation. An employer is not required to “prefer” a learning-disabled applicant over other applicants with more extensive qualifications, but at the same time disabled individuals cannot be excluded from consideration for employment based upon the strict qualification standard of having a high school diploma.

It is important for employers to review their job descriptions to determine if a high school diploma is necessary to do a job. Employers may be surprised to find that certain jobs may not require a high school diploma, thus allowing them to accommodate those with disabilities who were unable to obtain the diploma. An employer may also consider that the disabled individual may simply need a “reasonable accommodation” in order to perform the assigned tasks.

