



Association for Higher Education Access & Disability

East Hall  
UCD  
Carysfort Avenue  
Blackrock  
Co Dublin  
Tel: 01 716 4396

e-mail: [ahead@ahead.ie](mailto:ahead@ahead.ie)  
Web: [www.ahead.ie](http://www.ahead.ie)

## AHEAD Submission to the State examinations Commission on the Reasonable Accommodations Policy for State Examinations: November 2014

### Complaints regarding Reasonable Accommodations received in 2014

This year AHEAD received an unusually high number of complaints from parents of candidates with dyspraxia who had been refused the use of scribes in the Leaving Certificate examination. All of these candidates met the criteria outlined by the SEC, they provided reports from occupational therapists identifying difficulties experienced by candidates including recommendations for accommodations such as a scribe. Many of these requests were refused and furthermore the difficulties for the candidates were compounded by the fact that the final decision arrived days prior to the start of the examination. This made the putting in place of alternative supports impossible. In some cases the students were given the option of using a tape recorder or a computer, but these recommendations are totally unrealistic given the timeframe and the lack of training for the candidates in using such devices. This situation is unacceptable to students and their parents and AHEAD would welcome a review by the SEC of the process of granting Reasonable Accommodations in state examinations.

**AHEAD**, The Association for Higher Education Access and Disability is a National Resource on Inclusive Education that actively promotes the inclusion of students with disabilities in third level education and employment. We welcome the significant improvements that have been made by the SEC over the years in both the recognition of disability and the range of accommodations that have been put in place to ensure candidates with disabilities can compete on an equal basis with their peers in state examinations.

The leaving certificate is a fixed assessment instrument. It is not flexible, so the only way to achieve equal access is to add on reasonable accommodations. While this is not ideal, nevertheless the system has worked effectively for candidates with disabilities sitting examinations and the result is that there are now over 9,000 students with disabilities

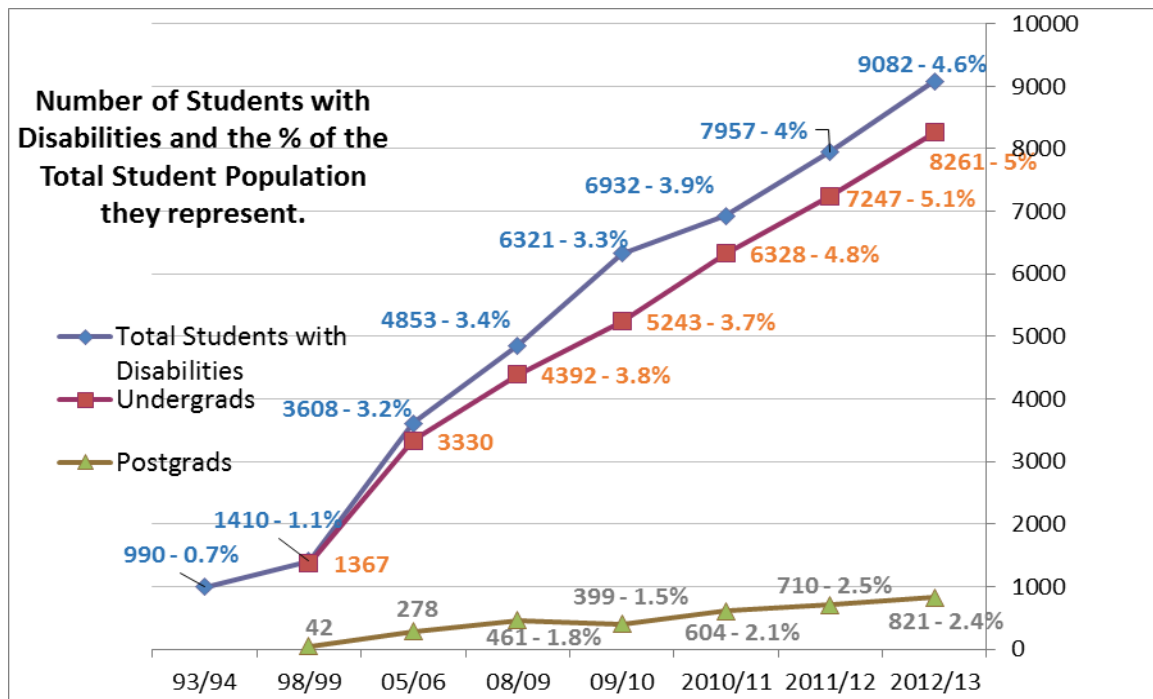


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succeeding in the state examinations and gaining a place in higher education<sup>1</sup>. This was not the case ten years ago when most of these students would simply have been excluded, see Figure1 below.



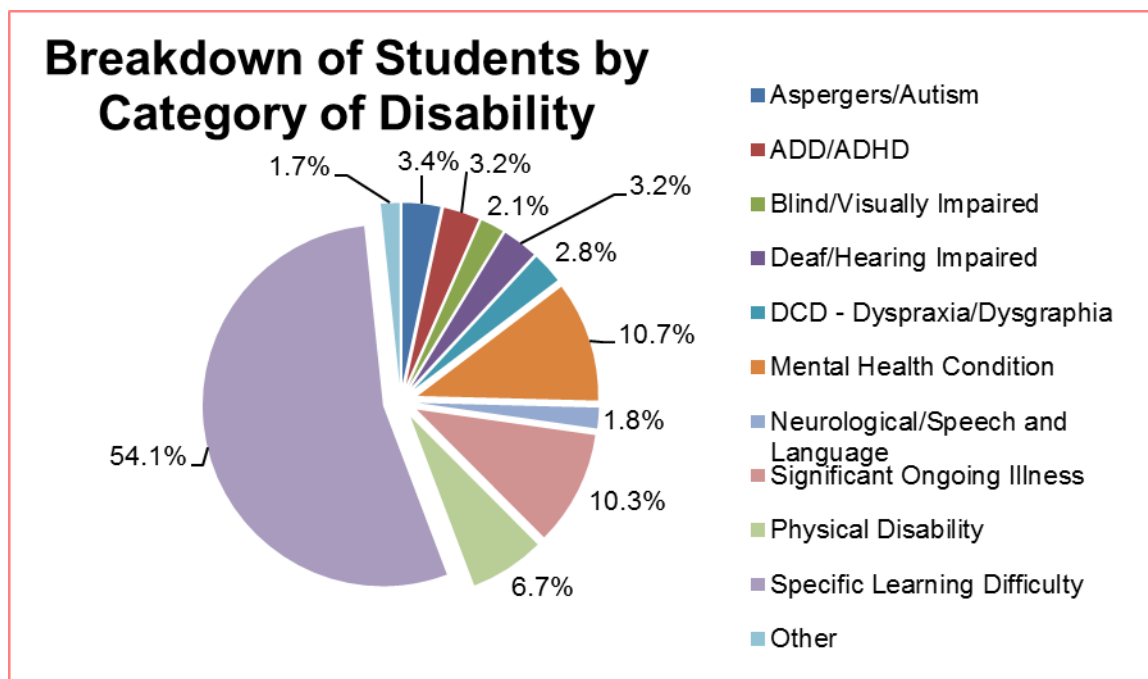
**Figure 1 shows the increasing numbers of students with disabilities in higher education from AHEAD’s first survey of the subject in 1993/94 right through to 2012/13**

Research indicates that where students with disabilities are adequately supported, they will thrive, graduate and get jobs in careers of their choice. This is what education is all about - developing human capital and the potential of all Irish children.

<sup>1</sup> The participation of students with disabilities in higher education, AHEAD 2013

## Overall participation of Students with Specific Learning Difficulties in higher education:

This situation of granting reasonable accommodations affects students with a range of impairments, however AHEAD research indicates that the majority of students with disabilities in higher education have a specific learning difficulty which includes Dyslexia, Dyscalculia etc. see fig 2. This breakdown is similar to other levels of education.



**Figure 2 shows the disability profile of total disabled student population**

Students with specific learning disabilities such as Dyslexia make up to 54% of students with disabilities in higher education. Dyslexia is one of several specific learning difficulties which involve difficulty with information processing, memory, sequencing and automaticity. Students with dyspraxia make up 2.9% of the students with disabilities in higher education. Students with Dyspraxia are all individuals whom experience the condition differently, but who commonly experience significant difficulty with fine motor skills, movement, speech and writing. For example one Occupational report describes a dyspraxic student’s difficulties as follows:

*“His difficulties with fine motor skills cause weakness in his hand and fatigue when writing. The student can experience severe hand cramping when writing and needs to drop the pen to stretch out his hands as a result”.*

## Leaving Certificate examination.

The Leaving Certificate is the gateway examination in Irish Education. It is a rigid verbally based written examination in the main which poses serious difficulties for candidates with many disabilities. Therefore it is pivotal that candidates with disabilities are effectively accommodated in the examination so that they can compete on an equal footing with their peers. This means providing them systematically with a range of reasonable accommodations on an individual basis dependent upon the impact of their condition in the examination setting.

### So the question for the SEC is: What is reasonable?

There are some key principles that must underpin the granting of reasonable accommodations to candidates with disabilities. Firstly, under the UN Convention of human rights article 24 (see appendix 1) and under EU and Irish legislation, the candidate with a disability has **a right to a reasonable accommodation**. Once the student provides evidence of the impact of their condition, then they have an entitlement in law to a reasonable accommodation that is effective. This does not mean giving them accommodations that are convenient and cost effective for institutions, it does however mean giving them the supports recommended in a professional assessment of their needs.

The difficulties appear to arise with the interpretation by the SEC of what is a reasonable accommodation. The leaving certificate is what it is - a text heavy examination in a range of subjects, many of which are based on writing essay style answers. This disadvantages many candidates with dyslexia and dyspraxia from the very start in comparison with their peers.

The criteria for granting accommodations as stated by the SEC is:

*A candidate who is unable to write or effectively unable to write **may** be granted the assistance of a scribe where a physical difficulty and a speech difficulty makes the use of a tape recorder or computer unsuitable, the use of a scribe may also be appropriate where a tape recorder or word processor does not meet the requirements of the examination (e.g. Mathematics.) (p. 10).*

Unfortunately use of the word '**may**' takes away the right of the candidate to what has been identified as a reasonable accommodation he/she requires. This year around 25 candidates with dyspraxia applied for and were denied the use of a scribe in the leaving certificate even though they fulfilled the criteria and produced documentary evidence of the severity of their impairment and their need for a scribe. In spite of producing both diagnostic evidence of a condition and also evidence of an assessment of support needs, the SEC made an offer of accommodations too close to examination time, and offered accommodations which were inappropriate and of no use to them.

The second key principle to underpin granting reasonable accommodation is the identification on an individual basis of accommodation needs. The SEC guideline on reasonable accommodations recognises that disability has a negative impact on performance and acknowledges the requirement for a reasonable accommodation. However, in the cases



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refused scribes in 2014, the decision to refuse the request for scribes was inconsistent and disconnected from the evidence of impairment and the recommendations of the Occupational Therapist report.

The real effect of these decisions around reasonable accommodations are profoundly negative for the candidate with a disability as they affect his /her performance in the examination and consequently their future career. Anecdotally, we know that many candidates with disabilities are dropping down from honours subjects to pass just before the exam because they are not getting the reasonable accommodations they need. Many others go into examinations with inappropriate or inadequate supports which impact negatively on their performance. This practice risks discrimination against candidates with a disability. There is an urgent need to develop clear and transparent criteria for the allocation of accommodations in state examinations and for an appeal system that delivers its judgement much earlier than one week prior to the exams.

## Recommendations

1. Ensure the system for granting reasonable accommodations in state examinations are based on the rights of candidates with disabilities as outlines in EU and Irish law.
2. Conduct a review of the criteria for granting reasonable accommodations in the examinations prior to the 2015 process is implemented.
3. Ensure the criteria for granting accommodations are clear and transparent and compliant with EU and Irish Legislation
4. Bring the appeals system forward so candidates receive the decision in time to prepare to use alternative accommodations.



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## Appendix:

### Article 24 UNCRPD

States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) Reasonable accommodation of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.



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4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.



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