



Dyslexia and disability legislation

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A brief introduction

Legislation is constantly changing, and almost any compendium of comparisons on dyslexia legislation is likely to be out of date very quickly. Successive EU projects have made an attempt to summarise the situation, providing a snapshot of legislation at the time of writing. In many cases there is, unfortunately, no change. In others, there is significant change.

For example, legislation in Poland now required that teachers use a checklist to help identify those who may have reading and writing difficulties. This legislation is too new to be included in any of the resources highlighted below.

These resources provide background information about systems in countries across Europe and beyond. They draw extensively on other EU projects from the past ten years, as well as other resources.

Due caution should be given to the various ages of the documents, since legislation changes. However, they offer not only a historical perspective, but also a starting place for further investigations. All this material may be accessed through the project website:

International Book of Dyslexia (1997)

Embed National Provision Report (2010)

iSheds National Provision Report (2009)

Provision and use of assistive technology by university students across Europe (2003)

Dyslexia: A pan-European perspective (2010)

I never had a policy; I have just tried to do my very best each and every day.

*Abraham
Lincoln*

The European Convention on Human Rights at a glance

The member governments of the Council of Europe work towards peace and greater unity based on human rights and fundamental freedoms. With this Convention they decide to take the first steps to enforce many of the rights contained in the Universal Declaration of Human Rights.

You have the right to go to school.

Protocols to the Convention

Article 2 of Protocol No. 1 – Right to education

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. . .”

ARTICLE 14 – Prohibition of discrimination

“The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status .”

The list of non-discrimination grounds is not exhaustive. It is recalled that the European Court of Human Rights has already applied Article 14 in relation to discrimination grounds not explicitly mentioned in that provision.

Links and Sources

European Convention on Human Rights - <http://human-rights-convention.org>
Legislation – European Commission - <http://ec.europa.eu/legislation>

Why the European Convention on Human Rights is wrong for dyslexia (and many other disabilities)

Unfortunately this convention is written in a manner that attempts to overcome the years of inappropriate government activities that has denied the right of an individual to education.

This has seem the proliferation of rural schools in previously inaccessible places, and training of indigenous teachers, all of which should be praised.

However, making a building available and providing somebody with some “training” does not ensure that effective learning will take place for the average learner, without even considering the dyslexic learner.

Therefore the error could be corrected simply by changing
“Every child has the right to education”

To

“Every child has the right to appropriate education.”

Since, unless the education is appropriate for the dyslexic learner, it will not be effective.

Unfortunately, if the community is fighting for the existence of a school in their local community, it will be some years after the school is established that they will begin to be concerned about the quality of learning for all pupils. Until that time, they will have little choice but to believe the government officials that will convince them that what they have been given is perfect for their needs.

Links and Sources

European Convention on Human Rights - <http://human-rights-convention.org>
Legislation – European Commission - <http://ec.europa.eu/legislation>

The Salamanca Declaration

The Salamanca Declaration was developed out of a conference in 1994, and provided the foundation for legislation in many countries. However, in many instances, the principles have been forgotten along the way. Below are some relevant highlights. Although some make references to children all are relevant.

Not just access, but also opportunities to learn (Page viii)

“every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning,”

Highlighting the need for the assessment of individual needs (Page viii)

“every child has unique characteristics, interests, abilities and learning needs”

Early identification AND lifelong learning (Page ix)

“invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education,”

Curriculum development (Page 22)

“Curricula should be adapted to children’s needs, not vice-versa. Schools should therefore provide curricular opportunities to suit children with different abilities and interests.”

Additional support (Page 22)

“Children with special needs should receive additional instructional support in the context of the regular curriculum, not a different curriculum. The guiding principle should be to provide all children with the same education, providing additional assistance and support to children requiring it.”

Assistive technology (Page 23)

33. Appropriate and affordable technology should be used when necessary to enhance success in the school curriculum and to aid communication, mobility and learning. Technical aids can be offered in a more economical and effective way if they are provided from a central pool in each locality, where there is expertise in matching aids to individual needs and in ensuring maintenance.”

Links and Sources

Salamanca Declaration

http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca_Declaration.pdf

The Salamanca Declaration

Further highlights of the declaration.

Teacher training (Page 27)

“41. Pre-service training programmes should provide to all student teachers, primary and secondary alike, positive orientation toward disability, thereby developing an understanding of what can be achieved in schools with locally available support services. The knowledge and skills required are mainly those of good teaching and include assessing special needs, adapting curriculum content, utilizing assistive technology, individualizing teaching procedures to suit a larger range of abilities, etc”

In-service training with distance education (Page 28)

“44. The major challenge lies in providing in-service training to all teachers, taking into account the varied and often difficult conditions under which they serve. In-service training should, wherever possible, be developed at school level by means of interaction with trainers and supported by distance education and other self-instruction techniques.”

Curriculum development (Page 28)

“45. Specialized training in special needs education leading to additional qualifications should normally be integrated with or preceded by training and experience as a regular education teacher in order to ensure complementarity and mobility.”

For those in vocational training (Page 28)

“57. Persons with disabilities should be given special attention in the design and implementation of adult and continuing education programmes. “

Links and Sources

Salamanca Declaration

http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca_Declaration.pdf

Conclusions and recommendations

There are a number of key recommendations with respect to legislation, which are based upon the Salamanca Declaration. These are:

- secure effective implementation of existing EU individual rights and disabilities policies at national level
- promote a comprehensive EU anti-discrimination legislation (N.B. This includes recognition at a national level that dyslexic has a long term impact on day to day living, and therefore conforms to the definition of a disability.)
- Identify every individuals unique characteristics, interests, abilities and learning needs
- Provide appropriate support where needed in the classroom, college or other learning environment (e.g. online).
- Provide access to assistive technology (To demonstrate a social policy of inclusion, this should be available free to all citizens at least in the national language(s))
- Ensure adequate teacher training.
- Provide in-service training supplemented by distance learning where required.
- Ensure the curriculum is adapted to the needs of the dyslexic individual, including alternative examination arrangements.
- Provide support throughout lifelong learning

Links and Sources

Salamanca Declaration

http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca_Declaration.pdf

Dyslexia in the United Kingdom

The most important web site for dyslexia and disability related legislation in the UK is www.disabilityrightsuk.org

On this site, there is accessible information around the two most important implementations of legislation, one for employees and one for students. The links are as follows:

Access to work (Provision and rights for those in employment)

<http://www.disabilityrightsuk.org/access-work>

Disabled Students Allowance (for those at university)

<http://www.disabilityrightsuk.org/applying-disabled-students%E2%80%99-allowances-dsas>

Other useful websites

The following sites are also useful references.

UK Government

<http://www.gov.uk>

This is the best place to find government services and information about UK.

The Disability Law Service

<http://www.dls.org.uk/>

This organisation provides free legal advice to disabled people and representation where appropriate.

Council of Europe

<http://hub.coe.int/web/coe-portal>

European Commission

<http://ec.europa.eu/legislation>

European Convention on Human Rights

<http://human-rights-convention.org>