

Getting a Time Extension for Testing a Dyslexic – Know the Law

Let's start with the confusion associated with testing for dyslexia. One reason for the confusion is that there are no two cases of dyslexia that are the same, and therefore there is no definitive test for identifying dyslexia in a child. So, if you go to an "expert", you will probably be subjected to a battery of tests where basically different learning disability labels are being ruled out, and by doing so, the learning disability label of dyslexia is actually backed into. Believe it or not, this is the way dyslexia testing is done in the twenty-first century. Yikes.

Taking a solution-oriented approach, the first question you might want to answer for yourself is how does your child process information, and how can you build on that skill to help your child learn to read, write, and speak? So, instead of pursuing a label, maybe the way to be best served is by finding out why your dyslexic child writes backwards, or exhibits the reading disability symptoms: stumbles, hesitates, inserts a word, replaces a word, omits a word, misreads a word, skips lines, or misses punctuation stops while reading. You can go to Magicaliam.com/Resources to learn about the sensory style of thinking of many dyslexics and why learning to read is difficult for the dyslexic.

Once you have an idea of how your child can benefit from the school they are in, you may decide to apply for the testing (at the cost of the school) that will determine what kind of disability consideration and plan your child is eligible for. All along the way, it is essential to educate yourself about your civil rights as parents, and your child's rights – schools and teachers are often not up to date on the law, although they (a powerful authority in your child's life) may sound like they know the law! Your child may not score in the disability category and still need special attention, like a time extension for testing. This can often be worked out between you and the school and their teacher.

The Americans with Disabilities Act (ADA) states that anyone that has a recognized disability can ask for extra time for test purposes. Time extension during testing has often been very beneficial for dyslexics. You and the school have to meet and set up an appropriate plan for your child to succeed in school. To get this designation one needs to request from the physician, psychologist or academic counselor written verification of the reading or learning disability label and present it to those in authority *long before the testing* occurs. In 20 years of working with dozens of different reading disability labels, we have never witnessed anyone being turned down from this entitlement. So, get it, but use it judiciously.

The time extension for testing can be both a plus and a minus for you and your student. The best goal is to use the time extension while correcting the reading and writing disability of the dyslexic. And after that, help your student gain confidence in their ability to learn and be tested along with their peers, no matter in what academic discipline.

A parent's goal is always to get their child to perform reading, writing and other academic disciplines independently without the help of some type of crutch like a time-extended test, oral testing, or parental help. Think about it... when your child graduates from high school or college, they will not have the luxury of time extensions in a time-deadline competitive business arena, or have someone who reads important decision-making business material aloud to them so that they can understand the material their company is considering investing in. Your student is smart and

creative, so don't handicap them in life by not pushing them to become independent as they gain skill and ability to learn and be successful in school. A parent should settle for nothing less — an independent, creative, and functional individual who works and contributes to our society. That is the goal of the parent of the dyslexic and, for that matter, of all parents.

Research and Know your Legal Rights

It is essential to do your research and educate yourself about the rights of parents and the rights of students. Schools often do not know your rights, they just know what someone has told them, and this authority's information could be legally false.

Start by gathering information about the **(ADA) Americans with Disabilities Act - Testing Accommodations**. Below is some information from their site:

https://www.ada.gov/regs2014/testing_accommodations.html

The Americans with Disabilities Act (ADA)

Ensures that individuals with disabilities have the opportunity to fairly compete for and pursue such opportunities by requiring testing entities to offer exams in a manner accessible to persons with disabilities. When ideal testing accommodations are provided, test-takers can demonstrate their true aptitude.

The Department of Justice (Department) published revised final regulations implementing the ADA for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010. These rules clarify and refine issues that have arisen over the past 20 years and contain new and updated requirements.

What Are Testing Accommodations?

Testing accommodations are changes to the regular testing environment and auxiliary aids and services² that allow individuals with disabilities to demonstrate their true aptitude or achievement level on standardized exams or other high-stakes tests.

Examples of the wide range of testing accommodations that may be required include:

- Braille or large-print exam booklets;
- Screen reading technology;
- Scribes to transfer answers to Scantron bubble sheets or record dictated notes and essays;
- Extended time;
- Wheelchair-accessible testing stations;
- Distraction-free rooms;
- Physical prompts (such as for individuals with hearing impairments); and
- Permission to bring and take medications during the exam (for example, for individuals with diabetes who must monitor their blood sugar and administer insulin).

Formal Public-School Accommodations.

If a candidate previously received testing accommodations under an Individualized Education Program (IEP)³ or a Section 504 Plan,⁴ they should generally receive the same testing accommodations for a current standardized exam or high-stakes test.

If a candidate shows the receipt of testing accommodations in their most recent IEP or Section 504 Plan, and certifies their current need for the testing accommodations due to disability, then a testing entity should generally grant those same testing accommodations for the current standardized exam or high-stakes test without requesting further documentation from the candidate. This would include students with disabilities publicly-placed and funded in a private school under the IDEA or Section 504 placement procedures whose IEP or Section 504 Plan addresses needed testing accommodations.

Example. Where a **student with a Section 504 Plan in place since middle school that includes the testing accommodations of extended time and a quiet room** is seeking those same testing accommodations for a high-stakes test, and certifies that they still need those testing accommodations, the testing entity receiving such documentation should generally grant the request.

Example. A () school student **received a large-print test and a scribe** as testing accommodations on similar tests throughout high school pursuant to a formal, documented accommodation policy and plan. Where the student provides documentation of receiving these testing accommodations, and certifies that they still need the testing accommodations due to disability, a testing entity should generally grant the candidate's request for the same testing accommodations without requesting further documentation.

Example. A high school senior is in a **car accident that results in a severe concussion**. The report from the treating specialist says that the student has post-concussion syndrome that may take up to a year to resolve, and that **while their brain is healing, they will need extended time and a quiet room when taking exams**. Although the student has never previously received testing accommodations, they may nevertheless be entitled to the requested testing accommodations for standardized exams and high-stakes tests as long as the post-concussion syndrome persists.

Example. A student with a **diagnosis of ADHD and an anxiety disorder received informal, undocumented testing accommodations throughout high school, including time to complete tests after school or at lunchtime**. In support of a request for extended time on a standardized exam, the student provides documentation of her diagnoses and their effects on test-taking in the form of a doctor's letter; a statement explaining her history of informal classroom accommodations for the stated disabilities; and certifies that she still needs extended time due to her disabilities. Although the student has never previously received testing accommodations through an IEP, Section 504 Plan, or a formal private school policy, she may nevertheless be entitled to extended time for the standardized exam.

To view model testing accommodation practices and for more information about the ADA, please visit our website or call our toll-free number:

- **ADA Website:** www.ADA.gov
- **ADA Information Line:** 800-514-0301 (Voice) and 800-514-0383 (TTY); M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)
- **Model Testing Accommodation Practices Resulting From Recent Litigation:** http://www.ada.gov/lsac_best_practices_report.docx
- <https://www.ada.gov/cguide.htm#anchor62335> ...the ADA – a Guide to Disability Rights Laws.

Individuals with Disabilities Education (IDEA)

[Acthttps://www.ada.gov/cguide.htm#anchor65310](https://www.ada.gov/cguide.htm#anchor65310)

- **The Individuals with Disabilities Education Act (IDEA)** (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.
- IDEA requires public school systems to develop appropriate **Individualized Education Programs (IEP's) for each child**. The specific special education and related services outlined in each IEP reflect the individualized needs of each student.

- IDEA also mandates that particular procedures be followed in the development of the IEP. Each student's IEP must be developed by a team of knowledgeable persons and must be at least reviewed annually. The team includes the child's teacher; the parents, subject to certain limited exceptions; the child, if determined appropriate; an agency representative who is qualified to provide or supervise the provision of special education; and other individuals at the parents' or agency's discretion.
- If parents disagree with the proposed IEP, they can request a due process hearing and a review from the State educational agency if applicable in that state. They also can appeal the State agency's decision to State or Federal court. For more information, contact:
- Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-7100
- www.ed.gov/about/offices/list/osers/osep
- (202) 245-7459 (voice/TTY)

Other Resources to Review:

- <http://www.ascd.org/publications/books/116019/chapters/Special-Education-and-the-Laws-That-Affect-It.aspx>
- <http://www.defeat-dyslexia.com/2016/09/dyslexia-exam-arrangements-child-can-get-extra-time-allowances/#:~:text=A%20dyslexic%20child%20is%20almost,and%2Da%2Dhalf%20hours.>
- <https://www.ada.gov/cguide.htm#anchor62335>
- <https://dyslexia.yale.edu/resources/dyslexic-kids-adults/stories-from-dyslexics/how-extended-time-improved-more-than-just-test-scores/>
- <https://www.11alive.com/article/news/education/dyslexia-testing/85-2de6ae7d-98a8-4aa0-82ce-d97e46c51d2f>

Learn to Read, so you can Read to Learn.™