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**Testimony to Interim Committee on Dyslexia
and Related Disorders**

**Monday, August 2, 2010 at 1:00 p.m.
Scottish Rite Hospital, Dallas, TX**

Good afternoon. I am Susan Motley, the Regional Managing Attorney of the North Texas Office for Advocacy, Inc. Advocacy, Inc. is pleased that the Committee has been created to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders. We understand that you are tasked with examining many important issues relating to these conditions, including barriers related to accommodations. Advocacy, Inc. very much appreciates the opportunity to comment on these important issues, and I thank you for the opportunity to talk with you today.

For those who may not be familiar with us, Advocacy, Inc. is a non-profit organization that functions as the statewide protection and advocacy (P&A) system for Texans with disabilities. Our mission is to advocate for, protect, and advance the legal, human, and service rights for persons with disabilities. We serve persons with many different types of disabilities, including those with dyslexia and related disorders.

Currently, our work revolves around five key priority areas: civil rights, health care, community integration, education, and what we refer to as our HEAT-related cases. HEAT is an acronym that stands for housing, employment, access, and transportation. Advocacy, Inc. staff often work to secure accommodations for persons with disabilities in these key priority areas. This may explain why we have been invited to provide testimony to the Committee today.

We have been asked to comment on accommodations for individuals with dyslexia and related disorders and any barriers related to those accommodations. Accommodations are critically important for any person with a disability who needs them, and despite advances, accommodations remain something that many often struggle to obtain.

Although each person is different, and each situation is unique, some common themes exist regarding accommodations and barriers to accommodations for persons with disabilities. Advocacy, Inc. stresses the importance of understanding that – like any other persons with a disability – persons with dyslexia and related disorders are unique individuals, and no one accommodation works for everyone. Similarly, no one situation is the same, and accommodations that may work in one context may not be appropriate or even necessary in another context.

For persons with dyslexia and related disorders, barriers to accommodations can arise for a number of reasons, including an initial failure to detect the disorder, a misunderstanding of the disorder even after detection and diagnosis, and at times, outright refusals to accommodate by those who are otherwise in a position to do so.

Failure to Detect and Diagnose the Disorder

Although dyslexia detection and diagnosis has improved as the disorder has been better understood, historically, the disorder has been difficult to detect and to diagnose, resulting in many adults today who still may not realize they have this disorder. Some individuals have reported living years – decades even – with no accommodations, and they report struggling through their tasks at school and later on the job without realizing they had the disorder. For them, accommodations were never provided, and possibly never even asked for, simply because they never knew what was causing their difficulties. Thus, early detection and diagnosis is important in the accommodation process, as it forms the basis from which accommodations can then be considered and requested.

Failure to Understand the Disorder

Sometimes, even after it is diagnosed, dyslexia and related disorders are also misunderstood, either by the individuals themselves or by persons with whom they interact. These misunderstandings can inhibit accommodations for persons with disabilities, as they can prevent a person from exploring all of the types of accommodations that may work for them in their unique situation. Thus, education about particular accommodations that may be considered and used in any given context are important, both for the individual with the disorder and for the persons with whom they interact.

Advocacy, Inc. encourages persons with dyslexia, as well as their parents, treatment providers, educators, and employers, to continue working together to explore new ways of accommodating persons with dyslexia and related disorders so that those individuals can maximize their individual potential and can avoid being limited by something that cannot be cured.

In the area of education, various TEA materials exist to support children, parents, and educators who deal with this issue. For the Committee and all persons who are interested in understanding the types of accommodations that may be appropriate in the education context, we recommend that, at a minimum, two sets of materials be reviewed. First, the Region 10 Education Service Center's website contains a section relating to dyslexia-related accommodations that might be considered (see <http://www.region10.org/dyslexia/Dyslexia-AccommModif.html>). A copy of this information is attached for the Committee's convenience. Second, accommodations are also discussed in Appendix E of the TEA's *Dyslexia Handbook – Revised 2007: Procedures Concerning Dyslexia and Related Disorders*, which is also available online in English and in Spanish:

<http://www.region10.org/dyslexia/Documents/2007EnglishHandbook.pdf>

<http://www.region10.org/dyslexia/Documents/2007SpanishHandbook.pdf>.

In the area of employment, the U.S. Department of Labor's Office of Disability Policy provides JAN, the Job Accommodation Network (see www.askjan.org). JAN is a free service provided to individuals and to employers who are interested in exploring employment-related accommodations for persons with disabilities. Advocacy, Inc. encourages all individuals who are interested in exploring appropriate accommodations for persons with dyslexia and related disorders to visit the JAN website and/or to contact a JAN representative to explore the types of accommodations that may be beneficial in that individual's situation. Although dyslexia is not specifically addressed on that site, JAN does provide information about learning disabilities and workplace accommodations that might be considered for those conditions. Some of the accommodations discussed there are similar to those suggested in the education context (e.g.

oral communication, proofreaders, assistive technology, etc.), but a review is helpful because the accommodations are discussed within the workplace context rather than a classroom. A copy of this information is also attached for the Committee's convenience.

Refusal to Provide Accommodations

Reasonable accommodations for persons with dyslexia and related disorders may be required by various state and federal laws that protect persons with disabilities. Such laws can include, for example, the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and its amendments (ADAAA), the Texas Human Resources Code, and the Texas Commission on Human Rights Act (TCHRA).

Ironically, some of the laws requiring accommodations for persons with disabilities have often been the biggest barrier to obtaining an accommodation in the first place. The ADA, for example, was often interpreted in such a narrow way as to deny coverage – and thus to deny accommodations – for many persons with disabilities. However, recent passage of the Americans with Disabilities Amendments Act (ADAAA) should make it easier to demonstrate coverage under that law and should therefore open up additional opportunities to obtain accommodations. The TCHRA has also been amended to conform to the ADAAA, so coverage under state law should be easier as well.

In general, whether an accommodation is reasonable may depend on the entity's size, financial resources, and nature of the business or services being provided. Entities covered by those laws are generally not required to provide accommodations that would result in an undue hardship and/or would fundamentally alter the nature of the service being provided.

One common type of situation where accommodations have been regularly requested and refused is the area of professional licensing exams. Because of the historical difficulty in diagnosis and detection of dyslexia and related disorders, many professional students (e.g. law students, medical students, etc.) have not realized any need for accommodations until late in their academic careers. Professional schools and licensing programs have often been reluctant to provide accommodations to these students, and several cases on this issue have been litigated. For many of these individuals, the rigors of the academic programs bring into full relief the problems that they experience in trying to learn and to be tested on the materials. Advocacy, Inc. urges the Committee to examine this issue in more depth, as these are the precise types of situations where accommodations would be appropriate and where refusal can literally make or break an individual's selected career path.

Even when the decision to refuse an accommodation is legally correct (e.g. if there is no legal basis upon which an accommodation can be required), these situations have the unfortunate effect of limiting the opportunities that the individual can pursue. If an individual with dyslexia or a related disorder believes that an accommodation relating to their condition has been improperly refused, we encourage the individual to contact their state protection and advocacy (P&A) organization to determine whether any assistance can be provided. Contact information for these organizations can be found at www.ndrn.org (see the section on the right, "get help in your state" and select your state). In Texas, Advocacy, Inc. is the protection and advocacy (P&A) organization, and you can contact our statewide intake line at 1-800-252-9108.

Conclusion

Regardless of disability, and regardless of context, accommodations are best achieved when a disability is first detected, diagnosed, and understood. Then, the individual may explore various accommodations that can work for their unique situation and can work toward obtaining the necessary accommodations so that their opportunities are not inhibited by their disability.

Thank you for the opportunity to address the committee. We hope this information has been helpful, and I will do my best to answer any questions you may have.

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ADVOCACY, INC.
Protection and Advocacy for Texans with Disabilities

Dyslexia Home

Dyslexia - Sub Heading

Dyslexia

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Accommodations/Modifications

Listed below are accommodations/modifications for the §504, Admission, Review, Dismissal (ARD) Committee, or Committee of Knowledgeable Persons to consider for a student with dyslexia/reading disabilities:

Textbooks and Curriculum

Books/Reading

- Provide audiotapes/CDs of textbooks and have student follow the text while listening
- Provide summaries of chapters
- Use marker or highlighting tape to highlight important textbook sections
- Assign peer reading buddies
- Use colored transparency or overlay
- Review vocabulary prior to reading
- Provide preview questions
- Use videos/filmstrips related to the readings
- Provide a one-page summary and/or a review of important facts
- Do not require student to read aloud
- Talk through the material one-to-one after reading assignments

Curriculum

- Shorten assignments to focus on mastery of key concepts
- Shorten spelling tests to focus on mastering the most functional words
- Substitute alternatives for written assignments (posters, oral/taped or video presentations, projects, collages, etc.)

Classroom Environment

- Provide a computer for written work
- Seat student close to teacher in order to monitor understanding
- Provide quiet during intense learning times

Instruction and Assignments

Directions

- Give directions in small steps and with as few words as possible
- Break complex direction into small steps—arrange in a vertical list format
- Read written directions to student, then model/demonstrate
- Accompany oral directions with visual clues
- Use both oral and written directions
- Ask student to repeat; check for understanding

Writing

- Use worksheets that require minimal writing
- Provide a "designated note taker;" photocopy another student's or teacher's notes
- Provide a print outline with videotapes and filmstrips
- Allow student to use a keyboard when appropriate
- Allow student to respond orally

Grade only for content not spelling or handwriting
Have student focus on a single aspect of a writing assignment (elaboration, voice, etc.)
Allow student to dictate answer to essay questions
Reduce copying tasks
Reduce written work

Math

Allow student to use a calculator without penalty
Use visuals and concrete examples
Use grid paper to help correctly line up math problems
Present information in small increments and at a slower pace
Take time to reteach if student is struggling to understand
Read story problems aloud
Break problems into smaller steps

Grading

Provide opportunity to test orally
Allow student to type responses
Read test to student
Evaluate oral performances more than written
Avoid penalizing for spelling errors, reversals, etc.

Testing

Go over directions orally
Permit as much time as needed to complete tests; avoid timed testing
Read test materials and allow oral responses
Separate content from mechanics/conventions grade
Provide typed test materials, not tests written in cursive
Allow student to respond on tape, with a typewriter, or by dictating answers to a tutor for assessment
Allow tests to be taken in a room with few distractions

Homework

Reduce reading assignments
Accept work dictated by student to a parent/tutor
Limit amount of time to spend on homework; have parents verify time spent on assignments

Talking about dyslexia.,.

"Never let dyslexia be an excuse for not achieving success. Chart your course and work to make your dreams a reality. Once you do that, there is nothing to ever hinder you."

Carolyn McCarthy

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Fact Sheet Series

Job Accommodations for People with Learning Disabilities and Attention Deficit Disorder

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@askjan.org
askjan.org



ODEP

Office of Disability
Employment Policy

A service of the U.S. Department of Labor's Office of Disability Employment Policy

JAN'S ACCOMMODATION FACT SHEET SERIES

JOB ACCOMMODATIONS FOR PEOPLE WITH LEARNING DISABILITIES AND ATTENTION DEFICIT DISORDER

According to the National Institute of Mental Health (<http://www.nimh.nih.gov>), a learning disability (LD) is a disorder that affects people's ability to either interpret what they see and hear or to link information from different parts of the brain. These limitations can show up in many ways - as specific difficulties with spoken and written language, coordination, self-control, or attention. Such difficulties may extend to school and work and can impede learning to read or write, or to do math.

LD can be divided into three broad categories: developmental speech and language disorders, academic skills disorders, and other (a catch-all that includes certain coordination disorders and learning disabilities not covered by the other terms). Each of these categories includes a number of more specific disorders, including dyslexia, dysgraphia, dyscalculia, dyspraxia, and auditory perceptual and visual perceptual deficit.

Attention Deficit Disorder (ADD) is a diagnosis applied to children and adults who consistently display certain characteristic behaviors over a period of time. The most common behaviors include distractibility (poor sustained attention to tasks), impulsivity (impaired impulse control and delay of gratification), and hyperactivity (excessive activity and physical restlessness).

The following is a quick overview of some of the job accommodations that might be useful for people with LD and ADD. For a more in depth discussion, access JAN's publications at <http://askjan.org/media/atoz.htm>. To discuss an accommodation situation with a consultant, contact JAN directly.

Deficits in Reading:

- Tape-recorded directives, messages, and materials
- Reading machines
- Recording for the Blind and Dyslexic (<http://www.rfbid.org>)
- Screen reading software for computer use
- Colored Mylar templates (colored transparencies) for reading and scanning
- Color-coded manuals, outlines, and maps
- Scanners, which allow the user to enter hard copies into the computer system
- Reading Pen

Deficits in Writing:

- Personal computers/laptop computers
- Voice output software that highlights and reads (via a speech synthesizer) what is keyed into the computer

- Speech recognition software that recognizes the user's voice and changes it to text on the computer screen
- Locator dots for identification of letters/numbers on the keyboard
- Word processing software
- Spell checking software/electronic spell checkers
- Software with highlighting capabilities
- Grammar checking software
- Word prediction software
- Form producing software that computerizes order forms, claim forms, applications, credit histories, equation and formula fields
- Carbonless note taking systems

Deficits in Mathematics:

- Fractional, decimal, statistical, and scientific calculators
- Talking calculators
- Computer Assisted Instruction (CAI) software for arithmetic/mathematics
- Computer Assisted Design (CAD) software for architecture/engineering
- Large display screens for calculators, adding machines
- Colored Mylar templates, colored coding for maintaining ledger columns

Deficits in Organizational Skills, Memory, and Time Management:

- Day Planners
- Electronic organizers/schedulers
- Software organizers with/without highlighting capabilities
- LCD watches, data bank watches, timers, counters, and alarms
- Personal Information Managers (P.I.M.S.)
- Use of electronic mail (e-mail) for memory deficits

Barriers in the Physical Environment:

- Room enclosures/cubicles to reduce auditory and visual distractions
- Private office space
- Use of "white noise" by using a sound soother/environmental sound machine
- Use of colored files
- Mapping of the workspace/office
- Use of headphones or ear plugs

Resources Specifically for People with LD and ADD

Children and Adults with Attention Deficit Disorder (CH.A.D.D.)

8181 Professional Place, Suite 150

Landover, MD 20785

Toll Free: (800)233-4050

Direct: (301)306-7070

Fax : (301)306-7090

<http://www.chadd.org>

International Dyslexia Association (formerly the Orton Dyslexia Society)

40 York Rd., 4th Floor
Baltimore, MD 21204
Direct: (410)296-0232
Fax: (410)321-5069
<http://www.interdys.org>

Learning Disabilities Association of America

4156 Library Road
Pittsburgh, PA 15234-1349
Direct: (412)341-1515
Fax: (412)344-0224
<http://www.ldanatl.org>

UGA Regents' Center for Learning Disorders

331 Milledge Hall
University of Georgia
Athens, GA 30602
Direct: (706)542-4589
Fax : (706)583-0001
<http://www.rcld.uga.edu/>

Academy for Educational Development

1825 Connecticut Ave., NW
Washington, DC 20009-5721
Direct: (202)884-8000
Fax: (202)884-8400

Attention Deficit Disorder Association (ADDA)

PO Box 7557
Wilmington, DE 19803-9997
Toll Free: (800) 939-1019
info@add.org
<http://www.add.org>

National Center for Learning Disabilities (NCLD)

381 Park Avenue South, Suite 1401
New York, NY 10016
Toll Free: (888)575-7373
Direct: (212)545-7510
Fax: (212)545-9665
<http://www.nclld.org>

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