



NEWS REPORT

Date:	21 June 2010
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Title:	Appeal by dyslexic students rejected by the High Court
Country:	Ireland
Context	
Issue at stake:	Practice of annotating final school examination of students with dyslexia
Ground of discrimination:	disability
Source:	High court decision
Field:	Education
Legislative provisions:	Equal Status Act 200 to 2004

Content

Case: A student with dyslexia has lost her High Court claim that she was discriminated against by the attachment of special annotation to her Leaving Certificate (final school examination) indicating she was not assessed on spelling and certain grammatical elements in language subjects. The Equality Authority and the Dyslexia Association expressed their disappointment with the decision of the High Court to uphold the practice of annotating the Leaving certificates of students with dyslexia.

In 2001, the student obtained reasonable accommodation for her dyslexia in her Leaving Certificate. The certificate she received stated that certain parts of the exam had not been assessed in English, Irish and French. Supported by the Equality Authority, Ms Cahill took a complaint to the Equality Tribunal where it was upheld, but the Minister for Education appealed the decision and the Circuit Court overturned it. The authority then appealed to the High Court, which upheld the practice.

Decision of the Court: Failure to record the “reasonable accommodation” made to Ms Cahill would “adversely affect the integrity of the testing process”, and “essentially defeat the purpose of the exam in the first place”, the High Court judge said.

The Leaving Cert occupied “an important place in the Irish educational system and abroad, and “must stand for something”. It was a record of the level of achievement of a person at the end of their secondary education, and if a person was not assessed in spelling and grammar elements of subjects, that “should and must be reflected” in the resulting certificate. He accepted the Minister’s argument that the deletion of the notation from Ms Cahill’s certificate would constitute a misrepresentation to employers or other persons invited to consider or rely on that document, and would also call the integrity of the exam into question.

The judge also rejected Ms Cahill’s claim that the Leaving Cert exam itself was inherently discriminatory in applying a standardised testing to a student with dyslexia. She had claimed such standardised testing effectively tested a student’s disability rather than their ability in the subject being examined.

Internet link source and additional information: (no newspaper links)
The judgment was reserved (not published yet).