

EXECUTIVE SUMMARY

Direct Investigation on Special Examination Arrangements for Students with Specific Learning Difficulties

Background

In the report of our direct investigation into assessment of children with Specific Learning Difficulties (“SpLD”) in April 2007, we indicated that we would follow up with an investigation to examine the support services for these students. As examinations are an integral part of our education system and have considerable impact on the future of young people, for further education or career development, The Ombudsman decided to look into this aspect as a matter of priority.

2. Accordingly, on 19 April 2007, The Ombudsman declared a direct investigation, under section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap 397, to examine:

- (a) special arrangements for internal examinations and assessments in primary and secondary schools for students with SpLD;
- (b) the role of the education authorities (the then Education and Manpower Bureau (“EMB”) before 1 July 2007 and the Education Bureau (“EDB”) since 1 July 2007) in providing these special arrangements;
- (c) special arrangements by the Hong Kong Examinations and Assessment Authority (“HKEAA”) for public examinations for these students;
- (d) coordination in connection with the provision of the arrangements –
 - (i) among EDB, schools and HKEAA; and
 - (ii) between Government and non-Government organisations (“NGO”);
- (e) promotion of awareness of such special arrangements among parents, students, teachers and school authorities.

3. In addition to studying documents provided by EDB and HKEAA, we interviewed parents and personnel of schools and NGOs.

What is SpLD?

4. To recap, SpLD are a class of condition, occurring in a child of average or above average intelligence, characterised by a significant delay in one or more areas of learning. Despite adequate intelligence and education opportunities, children with SpLD often have problems with one or more of the basic processes used in understanding or using spoken or written language, such as:

- (a) Listening
- (b) Speaking
- (c) Reading
- (d) Writing
- (e) Mathematical calculations

Further information is at **Annex 1**. Problem in reading and writing is the most common type of SpLD encountered in this investigation.

Why are Special Examination Arrangements Necessary?

5. It is Government policy to provide special examination arrangements for students with SpLD and other students with special education needs (“SEN”). The Disability Discrimination Ordinance Code of Practice on Education (issued by the Equal Opportunities Commission) states that educational establishments have to provide reasonable accommodation¹ for these students. In the Code, special arrangements are considered “reasonable accommodation”.

6. Special examination arrangements are intended to “level the playing field” by removing the disadvantages brought about by SpLD but not central to the knowledge or skills being examined, provided there is:

- (a) no unfair advantage over other students;
- (b) no interference with the assessment objective.

¹ *Para. 12.2 of the Code states, “Educational establishments have the obligation to make reasonable accommodations in their existing programmes, services, facilities and benefits in order to meet the needs of their students, or prospective students with disabilities, unless such changes impose unjustifiable hardship.”*

Special Arrangements in Internal Examinations

7. EDB has issued the following guidelines:
 - (a) “A Guide to Teaching: Understanding and Helping Students with Special Educational Needs (2001)”;
 - (b) “Guidelines on Internal Assessment (2002)”;
 - (c) “Principles and Strategies for Assessment for Students with Special Educational Needs in Ordinary Schools (2004)”.

8. EDB regards special examination arrangements for internal tests and examinations as “part of the school-based support measures for students with SEN”, including SpLD. Precise arrangements are to be made by schools based on the difficulties of their students, with reference to the guidelines of EDB and with advice from specialists such as educational psychologists. EDB considers that schools should be accountable for such arrangements. Parents can approach EDB for assistance if there is disagreement between them and the school.

9. Special examination arrangements for internal examinations may include:
 - (a) extending examination time;
 - (b) enlarging the space in the answer sheet for students to write their answers;
 - (c) enlarging the font size of examination papers;
 - (d) reading out the questions to students for non-language subjects;
 - (e) allowing use of a special room under separate invigilation;
 - (f) alternative method of answering (e.g. oral response, circling the answers);
 - (g) use of computer for word processing; and
 - (h) supervised breaks

10. In the course of our investigation, EDB has introduced the following improvement measures:
 - (a) reorganised its teacher training programme on SpLD to include 90-hour advanced and 60-hour thematic courses under the five-year professional development framework on Integrated Education;

- (b) introduced the “Hong Kong Test of Specific Learning Difficulties in Reading and Writing for Junior Secondary School Students” in the 2007/08 school year.

Special Arrangements in Public Examinations

Procedures

11. Candidates with SpLD may apply to HKEAA for special arrangements in public examinations:

- (a) in September/October of the Secondary 4 and 6 academic year (“early application”); or
- (b) in September/October of the Secondary 5 and 7 academic year (“second phase application”).

12. Each application by an SpLD candidate has to be made by:

- (a) completion of an application form;
- (b) submission of an assessment report form duly signed by a qualified psychologist and the head of the school. The candidate’s needs must be supported by:
 - (i) records of special arrangements in the candidate’s school;
 - (ii) an up-to-date psychological assessment report.

13. In the course of our investigation, HKEAA has made the following improvement measures:

- (a) clarified its requirement for “qualified psychologist” to include “educational/clinical psychologist with professional practice training”;
- (b) refined the wording “up-to-date psychological assessment report” to “within three years before the public examination”;
- (c) revised the assessment report form - a major revision is to require the

psychologist who signs the form to confirm that the candidate has SpLD and is in need of special arrangements in the public examination;

- (d) clarified the requirements for the psychological assessment report, including a conclusion on whether the candidate is a case of SpLD and recommendations on types of special arrangements required.

14. Applications are normally processed in three stages:

- (a) HKEAA Secretariat staff screens each application for completeness of information and supporting documents;
- (b) Vetting Team considers whether there is a firm diagnosis of SpLD and whether the special arrangements requested are reasonable. It then makes recommendations for the Task Group on Special Examination Arrangements for Candidates with SpLD (“Task Group”).
- (c) The Task Group makes a decision to approve or reject the application.
- (d) The decision of the Task Group is posted to the candidate’s school in February of the year following the submission of application. From early 2007, notification letters are copied to the candidates.

15. If dissatisfied, candidates may request in writing for review by an Appeal Panel for Special Needs Candidates (“Appeal Panel”) within one week from the date of the notification letter, giving reasons and supporting documents. Outcome of the appeal is conveyed by post to the candidate concerned before the start of the examination.

Special Arrangements Granted

16. Special examination arrangements for public examinations may include:

- (a) extra time;
- (b) to allow writing on only one side of an answer book, or on alternate lines or circling multiple-choice answers on a question paper;
- (c) special format question papers, e.g. one-side printing or enlarged fonts;

- (d) specially arranged centre (e.g. in a classroom instead of a hall);
- (e) special seating in a centre (e.g. near the front or back of an examination centre);
- (f) supervised breaks in examinations lasting 90 minutes or more; and
- (g) other special arrangements such as use of computer in answering questions considered on an individual basis.

Observations and Opinions

Preamble

17. Since we declared this direct investigation in April 2007, EDB and HKEAA have introduced a number of improvement measures. Such action is clearly positive and commendable.

Assessment Tool for Secondary Schools

18. Our case studies show that, prior to September 2007, in the absence of an assessment tool for secondary school students, HKCEE candidates had to be assessed by assessment tool for much younger children (in one case: assessment tool for children aged 10.5 was used for a 16-year-old). This raises the question whether the findings are accurate and fair in deciding on the provision or otherwise of special examination arrangements for secondary school students. With the recent introduction of the new assessment tool for junior secondary school students, we expect this situation to improve significantly. However, we consider it prudent for EDB to assess the effectiveness of the new tool and keep in view the need for further development of assessment tool for secondary school students.

Special Arrangements in Internal Examinations

Monitoring Measures

19. While EDB issues guidelines to schools and provides professional advice, actual implementation of special examination arrangements is left to individual school administration. While this is understandable and to some extent logical with school-based management, it is a matter of concern that practices may vary significantly from school to school. To ensure common

understanding of their obligation under the Disability Discrimination Ordinance and consistency of practices among schools, we consider some form of monitoring measures necessary.

Support for Schools

20. Case studies and feedback from NGOs, parents and schools show that some schools are meticulous in making special examination arrangements for SpLD students; some do the minimum; others pay lip service and some simply turn a blind eye. This could be due to lack of knowledge among some teachers or the heavy caseload of educational psychologists.

21. EDB's intention is that special examination arrangements should be discussed and decided among teachers, parents and educational psychologists in Student Support Teams or case conferences. Feedback from different stakeholders is collected and addressed during the consultation visits. We shall look into the effectiveness of such EDB practice in our next phase of investigation.

Review of Special Examination Arrangements

22. The then EMB surveyed the views of primary school personnel on special examination arrangements from May to July 2005. It did not cover secondary schools. Apart from this survey, there is no systematic review to ascertain:

- (a) whether and how special examination arrangements are implemented in schools;
- (b) whether they are consistent among schools; and
- (c) whether they are adequate for the needs of students.

Special Arrangements in Public Examinations

Statistics on SpLD Applicants

23. The yearly statistics on applications for special arrangements in HKCEE and HKALE from 2003 to 2007 and their outcomes are as follows:

HKCEE

Examination Year	Applications Received	Applications Approved	No. rejected	Appeal Cases	
				Approved	Rejected
2003	1	0	1	-	-
2004	8	8	0	-	-
2005	12	12	0	-	-
2006	28	28*	1 [@]	1	0
2007	48	46 [#]	3 [^]	3	0

* Of which 3 cases were treated as physical/other disabilities

Of which 4 cases were treated as physical/other disabilities

@ One candidate whose application was treated as a case of physical disability by the Task Group was dissatisfied with the decision.

^ One candidate was dissatisfied with the refusal of the request for the use of a particular computer software, although her request for other special arrangements was approved.

HKALE

School Year	Applications Received	Applications Approved	No. Rejected
2003	0	0	0
2004	0	0	0
2005	2	1	1*
2006	1	1	0
2007	4	4	0

* No appeal was received from the rejected case.

Source: HKEAA statistics

Case Studies

24. We have studied five applications: four that went on to appeal and one that was approved by the Task Group. Selection of these cases is not meant to be statistically representative. However, we have identified areas for improvement from these cases.

Tardiness in Conveying Task Group's Decisions

25. HKEAA Secretariat staff took a long time to dispatch to schools the notification of the Task Group's decisions: the time lapse ranged from 28 to 35 days. We consider such time gap excessive and should be shortened to allow more time for the applicant to prepare for appeal.

26. HKEAA explained that it processes applications from all categories of SEN candidates “in one go”. The aim is to ensure that all applications are handled with consistency and to avoid the feeling of uncertainty if applicants are notified at different times. However, in our view, there are basically four different outcomes for SpLD applicants:

- (a) approval is given for special examination arrangements as requested;
- (b) approval is for physical disabilities instead of SpLD;
- (c) only partial approval is given; and
- (d) all arrangements requested are rejected.

There is a case for notifying applicants in categories (b), (c) and (d) first, to allow them more time to consider appeal and take further action to satisfy HKEAA’s requirements.

27. HKEAA introduced in April 2005 for the 2006 public examinations the “early application” option, i.e. to apply in Secondary 4 for special arrangements in HKCEE and in Secondary 6 for HKALE. Regrettably, few students have made use of this option.

Year	SpLD applications in HKCEE	Early applications in HKCEE	SpLD applications in HKALE	Early applications in HKALE
2006	25	9	1	1
2007	44	2	4	0

Source: HKEAA statistics

28. The “early application” option should:

- (a) give ample time for HKEAA to process the applications;
- (b) ease the stress on the students in awaiting the outcome;
- (c) enable students to focus better on their studies without the burden of uncertainty;
- (d) facilitate schools emulating the approved special arrangements, say, in mock examination, so that the students can familiarise themselves with those arrangements.

HKEAA should, therefore, consider measures to make application in Secondary 4 for HKCEE and Secondary 6 for HKALE a normal and common practice.

Unreasonable Time Allowed for Appeals

29. The time given for lodging an appeal is far too short. It is a time consuming process if further psychological assessment is sought for appeal. Officially, according to HKEAA guidelines, the deadline for appeal is one week. In the cases studied, the deadline ranges from five to 12 days. As the notification letter was sent through the post, the duration actually given was even shorter than that stated in the letter.

Lack of Transparency

30. Our study shows that HKEAA did not state the reasons for rejection to the applicant concerned. Although HKEAA's rejection letter mentions a contact person and a telephone number for enquiries, we consider this not sufficient. In one case in which HKEAA had stated that the use of a particular computer software would "violate the assessment objectives", it did not elaborate on how reading out questions with the computer software would violate such objectives.

Different Opinions on Diagnosis

31. In three of the five cases that we studied, the Task Group rejected the applications despite support from educational psychologists and clinical psychologists. The Appeal Panel even noted in one case that "there were discrepant opinions on diagnosis and standard assessment tools for SpLD were not available". HKEAA states that there are always cases of candidates who have some degree of reading or writing difficulties but have not been diagnosed as confirmed cases of SpLD. The Task Group is cautious not to bring about "unfairness" to other candidates by giving special examination arrangements to marginal cases.

32. In this light, we consider it important to inform parents properly what the requirements are for obtaining special examination arrangements. We have, therefore, recommended greater transparency in the processing of applications. With the introduction of the new assessment tool and improvement measures undertaken by HKEAA, we hope that the discrepancies cited in the paragraph above will be minimised.

Need for Review of Criteria for Use of Computers

33. We consider that, in deciding whether use of computer should be permitted, views of the professionals (i.e. educational psychologists, doctors) consulted by the student concerned should be given weight in case of doubt. We note that HKEAA has revised the Guidelines for the 2008 public examinations to allow the use of computer for:

- (a) illegible handwriting; or
- (b) extremely slow handwriting speed.

We consider the new requirements more specific but may run the risk of being too restrictive.

Composition of the Task Group

34. Apart from the students themselves, those most concerned are their parents. It may be helpful to have parental representation on the Task Group as well.

Record Keeping

35. Our examination of the documents provided by HKEAA shows that, except for one case, no record is kept of the details of the deliberations of the Task Group or the Appeal Panel to document the reasons for a decision.

Administration of Examination Arrangements

36. In one case, a SpLD candidate was given wrong information about the examination centre he was to attend. HKEAA states that it has standing procedures to ensure that the correct special examination arrangements are in place for the candidates concerned. Although this may be an isolated case, it has highlighted the importance of cross-checking arrangements. We consider it necessary for HKEAA to review its current procedures.

Increase of SpLD students

37. With better understanding of SpLD, there is a dramatic increase of SpLD students since 2003/04 at both primary and secondary levels:

School Year	Primary	Secondary	Total
2003/04	1,195	165	1,360
2004/05	3,045	640	3,685
2005/06	5,534	1,096	6,630
2006/07 (as at 15.9.07)	6,110	2,760	8,870

Source: EDB statistics

- (a) primary schools: an increase of 411% from 2003/04 to 2006/07

(b) secondary schools: an increase of 1573% from 2003/04 to 2006/07

38. The expected increase in the number of applications for special examination arrangements in the HKCEE and HKALE in future will have implications for the workload of HKEAA in processing these cases.

Public and Parental Awareness

39. It is important that parents are aware that they can approach EDB for assistance if there is disagreement between them and the school over the provision of special examination arrangements for their SpLD children. Although both EDB and HKEAA have uploaded the relevant information on websites, not all students and parents have ready access to the Internet. Furthermore, the contents of some of the websites concerned are meant for professional teachers and are not easy for laymen to navigate. The assistance of parent-teacher associations and NGOs may be enlisted in dissemination of information.

Related Issues

40. We have identified several issues in this investigation for our next phase of study.

Decrease in Number of SpLD Students at Senior Secondary Level

41. A breakdown of the number of students with SpLD in secondary schools by level is as follows:

	S1	S2	S3	S4	S5	S6	S7	Total
2004/05 [*]	303	206	85	32	13	1	0	640 ²
2005/06 [*]	511	293	193	68	30	1	0	1,096 ³
2006/07 [*]	874	471	283	152	68	5	1	1,854 ⁴

^{*} as at 31 August of each school year

Source: EDB statistics

² Number of schools where SpLD students are located = 240

³ Number of schools where SpLD students are located = 286

⁴ Number of schools where SpLD students are located = 318

42. From the above statistics, it can be seen that:

- (a) in the same school year, there are fewer SpLD students in the senior levels;
- (b) the number of SpLD students steadily decline as they progress through secondary education –
 - (i) 93% of Secondary 1 students progressed to Secondary 3
 - (ii) 74% of Secondary 2 students progressed to Secondary 4
 - (iii) 80% of Secondary 3 students progressed to Secondary 5
 - (iv) 16% of Secondary 4 students progressed to Secondary 6
 - (v) 8% of Secondary 5 students progressed to Secondary 7

43. The drop in the number of SpLD students apparently making it to Secondary 6 and Secondary 7 is particularly significant. Very few seem to progress beyond Secondary 5.

44. EDB states that it has been advocating the creation of multiple exit pathways so that students have the opportunity to realise their potential by pursuing their interests and relative strengths. A student not pursuing higher academic studies may choose to go for vocational training.

45. We remain concerned over the notable drop in the number of SpLD students making it to senior secondary level and consider it an issue that warrants further investigation in our next phase of investigation.

Insufficient Recognition of SpLD

46. Our interviews show up schools where the teachers and staff are ignorant of SpLD and insensitive to the needs of SpLD students, sometimes to the point of being callous. This is unfortunate and must be remedied.

Students' Right to Public Examinations

47. Some parents we interviewed alleged that the schools have refused to submit their children's applications to sit for HKCEE. This is a serious allegation we have yet to verify. While we will look further into this topic in the next phase of study, we would remind school administration and parents that children have a right to education and students a right to public examinations. They should approach EDB for assistance if they encounter unreasonable refusal or rejection.

Recommendations

48. In this context, the Ombudsman makes 19 recommendations for EDB and HKEAA. Further details are at **Annex 2**.

Comments from EDB and HKEAA

49. EDB and HKEAA have made detailed comments on our report. We have incorporated their comments, where appropriate, in the final report.

Final Remarks

50. Meanwhile, representations from EDB and The Ombudsman's response are tabulated as follows:

Comments from EDB	The Ombudsman's Response
<p>(a) Methodology of the Direct Investigation</p> <p>The views provided to us by interviewees have not been cross-checked for reliability and validity before some of them are generalised to formulate conclusions and recommendations. Quoting unverified views risks endorsing some factually or conceptually incorrect statements and may not be fair to the whole school sector and the parties involved.</p>	<p>The views and comments from parents and school personnel were volunteered to us in confidence. In addition, privacy of the interviewees is also a concern. We have not, therefore, been able to go through a cross-checking process. However, their information enables us to glean issues perceived from an insider's perspective. We have set out those issues in our report as a prelude to our next phase of investigation.</p>
<p>(b) The approach to promote inclusive education</p> <p>Support for students with SpLD is a relatively new development in Hong Kong that started only about a decade ago. Given that the Disability Discrimination Ordinance has already been in place, education and professional support for schools is the key to promoting inclusive practices in schools. It is more positive to facilitate schools to</p>	<p>We do not intend to infringe upon the policy of school-based management. However, we consider that suitable monitoring mechanism should be put in place to ensure that practices among schools are consistent and to review how good or bad they are doing. Bearing in mind examinations are an important part of the education system, the longer the students are denied a level playing field to develop and</p>

Comments from EDB	The Ombudsman's Response
<p>undergo a paradigm shift through encouragement and support.</p>	<p>demonstrate their ability, the more detriments they are susceptible to in both their current education and further education or career development.</p>
<p>(c) Autonomy and accountability of schools</p> <p>With greater autonomy and flexibility in management and administration, schools have to be accountable for their performance and operation. While EDB has a regulatory role over schools, it considers that our recommendations on monitoring run contrary to the principle of autonomy and accountability.</p>	
<p>(d) Stress and workload of teachers</p> <p>To address the concern of stress and workload of frontline teachers, introducing any new control measures by EDB should be a conscious decision with strong justifications.</p>	<p>We are aware of the concern over stress and workload of frontline teachers. Our recommendations are aimed for improving the support for the disadvantaged students and not increasing unnecessary administrative work for teachers.</p>

Acknowledgements

51. The Ombudsman sincerely thanks those who have provided assistance in our investigation, including EDB and HKEAA, school personnel and NGOs, and certainly, parents of children with SpLD.

Office of The Ombudsman

February 2008

Some Types of SpLD

- (a) Dyslexia, a problem in reading and writing caused by difficulty in seeing the difference between letter or character shapes.
- (b) Mathematics disorder whereby the individual has significant difficulties with concepts of number, quantities and computation not explained by general intellectual cognitive difficulties such as mental delay.
- (c) Specific language impairment whereby the individual exhibits linguistic deficits affecting different aspects of linguistic performance, such as phonology (speech sounds), semantics (meaning), grammar and so on.
- (d) Dyspraxia (developmental co-ordination disorder) whereby the individual has difficulties in gross and fine motor execution, in postural control and balance, and is often described as “clumsy”.
- (e) Visual spatial organization and perceptual disorders whereby the individual has difficulties in understanding spatial relations, left/right concepts, and in perceptual organization of nonverbal output (including for drawing and handwriting).
- (f) Central auditory processing disorder whereby the individual has difficulties in processing and remembering language-related tasks.

Recommendations for Improvements

Special Arrangements in Internal Examinations (for EDB action)

Monitoring

- (1) To remind school administration that special examination arrangements for students with SpLD in internal examinations are **a requirement** under the Ordinance.
- (2) To monitor suitably the implementation of special examination arrangements in internal examinations to ensure consistency across the school sector.

Support for Schools

- (3) To continue providing support to schools in deciding on special examination arrangements, for example, by organising practical workshops and experience-sharing among schools and experts in this field.
- (4) To survey and assess the need for education psychology service and to plan for such provisions, reviewing critically the resources both in EDB and for outsourcing agencies, especially in helping schools to design and implement special examination arrangements for students with SpLD.

Review of Special Examination Arrangements

- (5) To conduct a survey in both primary and secondary schools for feedback on the suitability of the different components of special arrangements in internal examinations and how such arrangements are provided.

Special Arrangements in Public Examinations (for HKEAA action)

Time-frame

- (6) To set an earlier target time-frame for informing candidates, as soon as possible, of the Task Group's decision regarding their applications.
- (7) To provide a more reasonable time-frame for appeals against rejection of applications.

- (8) To consider measures to make the “early application” option a normal and common practice.

Transparency

- (9) In case of rejection, to give reasons to enable candidates to consider further action.

Use of Computer

- (10) To review, in consultation with the Task Group, application of the existing criteria for use of computer as part of the special examination arrangements, and to allow its use for other than motor problems as long as its use is supported by an educational psychologist and does not give the candidate unfair advantage over other candidates.

Composition of the Task Group

- (11) To consider including a parent representative on the Task Group for a parental perspective and better understanding of the problems faced by students with SpLD.

Record Keeping

- (12) To document the deliberations, in addition to decisions, of the Task Group and the Appeal Panel.

Administration of Examination Arrangements

- (13) To review the standing procedures to ensure that the correct special arrangements are put in place.

Briefings for Educational Psychologists (for HKEAA action)

- (14) To arrange in-depth briefings for educational psychologists in EDB and for outsourcing agencies on HKEAA’s requirements for:

- (15) the details necessary in the assessment reports;

- (a) how recommendations for special examination arrangements should be made in assessment reports accompanying the candidate’s application; and

- (b) the validity period of the educational psychologist's assessment (within three years of the date of the public examination).

Public Awareness (for EDB and HKEAA action)

- (16) To promote awareness of parents and students that they can approach the relevant School Development Officers of EDB for assistance if there is disagreement between them and the schools.
- (17) To publicise the availability of special examination arrangements in internal as well as public examinations through easily accessible and comprehensible means, e.g. pamphlets.
- (18) To step up liaison with the parent-teacher associations and NGOs to enlist their assistance for consultation and dissemination of information about special examination arrangements.

Assessment Tool for Secondary Schools (for EDB action)

- (19) EDB, to keep in view the need for development of assessment tools for SpLD students.

Review of Resource Requirements (for HKEAA action)

- (20) To review resource requirements in anticipation of increase in workload resulting from significant progressive increase in the number of applications for special examination arrangements.