Parent Guide: Landmark Dyslexia & Special Education Cases

This guide provides plain-language summaries of key federal and state court cases on dyslexia, evidence-based instruction, ESY, methodology on the IEP, deliberate indifference, and the Stay Put provision. It is designed to help parents advocate effectively by showing how courts have ruled in similar situations. They show how vague IEPs, denial of evidence-based instruction, or ignoring outside evaluations can violate IDEA, Section 504, and the ADA. Parents can use these rulings to advocate for stronger, specific services.

# R.E.B. v. Hawaii Department of Education (9th Cir. 2017)

 **\*\*Strong Language Requiring Methodology on the IEP**

\*\*Key Issues:\*\* Transition services, Least Restrictive Environment (LRE), and methodology requirements.

\*\*Court Findings:\*\*

- Transition services are required even when moving from private to public school.
- IEP must specify where, how long, and how often a child is with non-disabled peers.
- If a methodology (e.g., ABA) is essential, it must be written into the IEP.

\*\*Parent Takeaways:\*\* Demand specific details in IEPs: transition supports, LRE time, and explicit methodology when necessary.

* Held that in order to receive FAPE, J.B.’s IEP specifically requires mention of ABA services. The Ninth Circuit observed that J.B.’s IEP team discussed the methodology at length and “recognized that it was integral to J.B.’s education. The court also noted that “ABA” is widely recognized as a superior method for teaching children with autism.
* *This ruling applies to children with dyslexia and the methodology of Orton Gillinghamm/Structured Literacy programs such as Wilson*

• Takeaways: Schools must provide programs that actually address dyslexia, not just 'extra help.'

* Ultimately, the Ninth Circuit held that when a particular methodology plays a “critical role” in the student’s educational plan, “**it must be specified in the student’s IEP”**.

NOTE: Districts often state that they have “discretion” to select the particular educational methodology, such as a specific reading intervention program or behavioral technique, to implement a student’s IEP. This decision indicates that districts continue to have discretion to select educational methodologies, **BUT when a particular methodology “plays a critical role” in a student’s educational plan, it MUST be specified on the IEP.**

***For example: Applied Behavioral Analysis methodology for students with autism, and for students with dyslexia, Structured Literacy based on Orton Gillingham methodology program such as Wilson Reading System, Barton***

# 2. Student A v. Berkeley Unified School District (N.D. Cal. 2009)

\*\*Key Issues:\*\* Child Find obligations and denial of services for students with reading disabilities (including dyslexia).

The district resisted including 'dyslexia' on the IEP and used only standardized test scores.

Parents of a student with dyslexia and ADHD alleged the school failed to provide FAPE by offering only generic reading support, not specialized evidence-based instruction.

\*\*Court Findings:

- District failed to identify/evaluate students with reading disorders.
- Denial of services based on 'discrepancy model' violated IDEA.
- Systemic noncompliance led to a class action.

- The school violated IDEA by not addressing dyslexia-specific needs. Failure to individualize services = denial of FAPE.

- Court said: IDEA requires evaluation and services tailored to the student’s unique disability, including dyslexia.
- Takeaway: Districts cannot hide behind test scores or avoid naming dyslexia.

\*\*Parent Takeaways:\*\* Schools must evaluate when reading struggles appear. Push back if told your child is not eligible due to test score 'discrepancy.' Outside evidence matters.

**What this means for parents**

Based on what is known from this case (and similar ones), here are your rights and points of leverage:

| **Topic** | **What to look for / insist upon** |
| --- | --- |
| **Child Find** | Schools must *seek out* and *respond* when there is reason to suspect a reading disability. If you or your child report difficulty reading (or if teachers report it), the school has to evaluate. Don’t let the school say “no discrepancy” just because of narrow test choices—look at all evidence. |
| **Eligibility criteria** | Be aware of how Wyoming defines “specific learning disability” (SLD). Many states include a severe discrepancy model (comparing cognitive ability vs academic achievement) or response-to-intervention (RTI) approach. If your child is being denied under discrepancy rules, see if RTI or other evidence might support eligibility. |
| **Effective instruction / interventions** | If there are evidence-based methods for reading/dyslexia (structured literacy, explicit, systematic, cumulative, decoding, encoding, etc.), make sure your child’s IEP uses those. If the school uses weak instruction or delays support, that can be challenged. |
| **Litigation / class actions** | Sometimes systemic change comes through class-action claims (if many students are similarly affected). If you think the problem isn’t just your child but many students, there might be community or legal remedies. |

# 3. O.R. v. Clark County School District (D. Nev. 2021)

\*\*Key Issues:\*\* Denial of structured literacy (Orton-Gillingham) instruction despite evaluations showing it was necessary.

\*\*Court Findings:\*\*

- Vague 'multisensory' language in IEP was insufficient.

- Because O.R.’s needs were complex, she required a methodology that was research-based, systematic, cumulative, and rigorously implemented.

- District ignored private evaluations recommending structured literacy.

- District cannot make decisions based on predetermination.
- Violations of IDEA, ADA, and Section 504.
- Parents reimbursed $456,990.60 for private services.

\*\*Parent Takeaways:\*\* IEPs must specify evidence-based methods. Schools cannot ignore outside evaluations. Parents may recover costs when denied FAPE.

#  Endrew F. v. Douglas County School District (2017):

 **\*\*U.S. Supreme Court’s landmark decision**

# Key Takeaways from Endrew F. v. Douglas County School District (2017)

In 2017, the U.S. Supreme Court issued a unanimous ruling in Endrew F. v. Douglas County School District, which clarified the standard for a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA). This case raised expectations for schools and strengthened parent advocacy.

## Key Legal Principles

* 1. Rejecting Low Standards – Schools must provide more than 'merely more than de minimis' progress. Minimal benefit is not enough.
* 2. Meaningful, Appropriately Ambitious Progress – IEPs must be reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.
* 3. Individualized Standard – Progress must be measured against each student’s unique potential and needs.
* 4. Higher Expectation for Schools – Schools are required to offer programs that allow students to meet challenging objectives, not just trivial goals.

## Impact for Parents and Schools

• Parents can challenge IEPs that set low expectations or do not provide meaningful progress.

• Schools must design IEPs that provide substantive educational benefits tailored to each child.

• \*\*The ruling is now one of the most important Supreme Court precedents in special education law.

In short: Students with disabilities are entitled to more than minimal progress – they deserve the chance to make meaningful, ambitious progress toward their potential.

# 5. Perez v. Sturgis Public Schools (2023)

Key Takeaways for Families of Children with Disabilities

## What Happened in This Case?

- Student: Miguel Luna Perez, a deaf student in Michigan.
- Issue: He attended school for years without being provided qualified sign-language interpreters.
- Claim: Perez’s family alleged the district misled them about his progress and denied him a meaningful education.
- Action: The family sued under the Americans with Disabilities Act (ADA), seeking money damages for the harm caused.

## What the Supreme Court Decided

- The Court ruled unanimously (9-0) in favor of Perez.
- Families do not need to exhaust IDEA’s administrative remedies before suing for money damages under the ADA (or Section 504).
- Why? Because IDEA cannot award money damages—only services and remedies related to education.
- If a family seeks relief that IDEA cannot provide, they can go directly to court under other disability rights laws.

## What This Means for Parents

- More Options: If a school violates your child’s rights, you may pursue claims under both IDEA and ADA/§504.
- No Double Exhaustion: You don’t have to finish the entire special education hearing process first if you’re seeking compensation unavailable under IDEA.
- Accountability: Schools can face broader legal consequences if they deny meaningful access or misrepresent progress.

## How It Protects Students with Dyslexia and Other Disabilities

- Reinforces that education rights go beyond IDEA—schools must also comply with ADA and §504.
- Districts cannot escape accountability by arguing that families must “finish” IDEA hearings first when money damages are at stake.
- Families can hold schools responsible not only for services now but also for past harm caused by discrimination or neglect.

## Key Parent Takeaway

Perez v. Sturgis gives families an additional path to justice. If your child’s education was denied or mishandled, you may be able to pursue remedies under the ADA or §504—without being blocked by IDEA procedures when seeking damages.

**Always document** your child’s progress, services, and communications. If the school denies your child meaningful access, consult an attorney about both IDEA remedies (services/compensatory education) and ADA/§504 claims (discrimination/damages).

# A.J.T. v. Osseo Area Schools (2025)

This is the **fourth unanimous pro-child decision** in a row, the first being ***Fry*** in 2017!

Key Takeaways for Families of Children with Disabilities

## What Was the Case About?

- Student: A.J.T., a teenage girl with a rare, severe form of epilepsy.
- What Happened: Her prior district provided evening instruction so she would not lose school hours due to seizures. After moving to Osseo Area Schools (MN), the district refused, reducing her instructional hours compared to peers.
- Legal Claim: Parents sued under Section 504 of the Rehabilitation Act and Title II of the ADA, alleging discrimination.

## What Did Lower Courts Require?

- Trial court and the Eighth Circuit required proof of 'bad faith or gross misjudgment' for ADA/§504 claims in education.
- This standard made it much harder for families to prove discrimination.

## What the Supreme Court Decided

- The Supreme Court unanimously (9-0) rejected the 'bad faith or gross misjudgment' standard.
- Students with disabilities now use the same legal standard for ADA/§504 claims as in other discrimination cases.

## What This Means for Parents & Students

- Lower legal hurdle: Families don’t need to prove bad faith, only that discrimination occurred.
- Access to legal relief: More ADA/§504 cases can move forward.
- Better protection: Schools must provide equitable instruction and accommodations.

## Key Takeaway

A.J.T. v. Osseo ensures students with disabilities are protected under ADA/§504 without unfair legal obstacles. The focus is on whether equal access and needed accommodations were provided.

## What You Can Do

- Document all communications with the school.
- Request accommodations in writing.
- Track instructional hours compared to non-disabled peers.
- Consult an advocate or attorney if accommodations are denied.
- Reference the A.J.T. case when advocating for ADA/§504 rights.

Important Note: As in ***Endrew F.***, this unanimous Opinion was authored by Chief Justice Roberts. SCOTUS explained that children with disabilities and their parents "face daunting challenges on a daily basis. We hold today that those challenges do not include having to satisfy a more stringent standard of proof than other plaintiffs to establish discrimination under Title II of the ADA and Section 504 of the Rehabilitation Act."

# Fry v. Napoleon Community Schools (2017)

Key Takeaways for Parents

## Background

- E.F., a child with cerebral palsy, relied on her service dog \*Wonder\* for independence (opening doors, picking up dropped items, etc.).
- The school refused to allow Wonder in class, insisting she rely on a human aide.
- Her parents sued under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

## Legal Question

- Did the family have to first go through the IDEA due process/appeals system before bringing an ADA/§504 discrimination claim in court?

## Supreme Court Ruling

- No — Families do not have to exhaust IDEA procedures when their complaint is about disability discrimination and not about whether the child received a Free Appropriate Public Education (FAPE).
- If the heart of the complaint is access, dignity, or independence (not instructional content/services), parents may go directly to court under ADA/§504.

## Why It Matters for Families

- Two legal paths:
 1. FAPE issues → Must use IDEA’s due process first.
 2. Discrimination / Equal access issues → Can file directly under ADA or §504.
- This empowers parents to challenge barriers beyond academics (e.g., access to facilities, service animals, extracurriculars).
- Fry ensures schools can’t hide behind IDEA to block broader civil rights protections.

## REMEMBER

Ask yourself: “Could this complaint be made even if my child did not need special education?”
- If yes → It’s likely an ADA/§504 issue, not an IDEA exhaustion issue.
- If no → It probably falls under IDEA and requires due process first.

# \*\*Using Fry v. Napoleon and Perez v. Sturgis Together

A Parent Guide for Dyslexia Advocacy

## 1. Why These Cases Matter

• Fry v. Napoleon (2017) clarified that parents do not have to use IDEA’s due process system first if their complaint is about disability discrimination under ADA/§504 (e.g., equal access, dignity, independence).
• Perez v. Sturgis (2023) ruled that parents can pursue ADA/§504 claims for damages even if they settled or lost an IDEA case.
• Together, these cases give families two powerful tools: IDEA (FAPE claims) and ADA/§504 (discrimination claims).

## 2. Applying This to Dyslexia

• IDEA Route: If a child with dyslexia is denied evidence-based reading instruction (Wilson, Orton-Gillingham, etc.), this is a denial of a Free Appropriate Public Education (FAPE).
• ADA/§504 Route: If administrators deliberately block, remove, or refuse these proven methodologies—especially after parents showed success—this may be discrimination, not just a FAPE issue.
• Example: If an IEP team agrees on Wilson Reading, but administrators override it “four” separate times, this can show deliberate indifference to the child’s disability-related needs.

## 3. Why This Can Be Discrimination

• Removing an evidence-based program is not just bad educational judgment—it can be seen as denying a necessary accommodation.
• If the only method that lets a dyslexic child access literacy is stripped away, the child is denied equal access to education.
• Under ADA/§504, this can be argued as deliberate indifference.

## 4. Parent Advocacy Strategy

✔ Plead both: Bring IDEA claims for denial of FAPE AND ADA/§504 claims for discrimination.
✔ Use Fry: Show that your claim is about more than education—it is about equal access and dignity.
✔ Use Perez: Even if IDEA remedies are limited, you can still pursue damages under ADA/§504.
✔ Document: Keep records of when administrators instructed the IEP team to remove effective interventions.

## 5. Key Question to Ask

Ask: “Would this complaint still make sense if my child didn’t need special education?”
• If YES → It’s an ADA/§504 access issue.
• If NO → It’s an IDEA/FAPE issue.
Often, for dyslexia cases, the answer is BOTH.

# Bottom Line

Across these cases, courts consistently ruled that schools must:
- Provide specific, evidence-based instruction.
- Consider and include outside evaluations in IEPs.
- Ensure IEPs are detailed, enforceable, and tailored to the child.

- Possible ADA & 504 violations – bypassing IDEA

Parents can cite these cases when advocating for dyslexia services and remind districts that vague promises or delays are not enough.