# 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.