Parent Guide to Court Cases on Dyslexia & Special Education (2)

This guide provides plain-language summaries of key federal and state court cases on dyslexia, evidence-based instruction, ESY, deliberate indifference, and the Stay Put provision. It is designed to help parents advocate effectively by showing how courts have ruled in similar situations.

# 1. Landmark Dyslexia & Special Education Cases

## R.E.B. v. Hawaii DOE, 870 F.3d 1025 (9th Cir. 2017) 870 F.3d 1025

**ADDRESSES METHODOLOGY ON THE IEP**

* What happened:
* 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.**

***Such as Applied Behavioral Analysis for autism and Structured Literacy based on Orton Gillingham methodology program such as Wilson Reading System, Barton***

***\*\* School districts MUST provide programs/methodology that actually address dyslexia, not just “extra help”.***

## Student A v. Berkeley USD, 2009 WL 2413121 (N.D. Cal. 2009)

• What happened: 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 said: 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.

**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 your state 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, phonics, decoding, 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. |

**Comparison & Key Takeaways**

* Both cases reinforce that *procedural requirements* under IDEA are real and enforceable (e.g. specifying methodology, transition services, LRE, fulfilling the child find duty). Procedural violations often lead to denials of FAPE.
* The *substantive quality* of the IEP matters: vague wording is not enough. IDEA demands specificity (how often, location, duration, methods).
* If a child has been successfully taught using a specific methodology, that needs to be taken seriously during IEP development.
* Parental participation and advocacy are vital. Courts often side with parents who push for clarity and inclusion in the process.

**A.J.T. v. Osseo Area Schools**

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***…extremely important case, making it easier for parents to hold districts responsible under 504 and ADA***

* On June 12, 2025, SCOTUS issued a **unanimous decision** in [***A.J.T. v. Osseo Area Schools.***](https://www.wrightslaw.com/law/scotus/ajt.v.osseo/scotus.ajt.v.osseo.opinion.24-249.pdf)  
    
  Alleging violations of the IDEA, Section 504, and the ADA, AJT and her parents filed for a special education due process hearing against Osseo Area Schools.  
    
  They alleged that the shortened school day imposed on AJT was a violation of all three statutes. They sought relief under IDEA and additional relief, to include dollar damages and an injunction, under Section 504 and the ADA.  
    
  They alleged that the "special education administrators knew or should have known that shortening a student's school day without a basis in a student's individual needs is substantially likely to result in a violation of federally protected rights."  
    
  At the due process hearing, they prevailed on the due process claim, but not on relief under Section 504 and the ADA.  
    
  In this Minnesota case, Osseo filed an [appeal in the U.S. District Court (Case # 21-1453)](https://www.wrightslaw.com/law/scotus/ajt.v.osseo/2021.0621.scotus.osseo.complaint.pdf) on June 21, 2021, but, for reasons unknown, withheld service of process. AJT appealed on August 3, 2021. Their [amended complaint was filed on November 8, 2021. (Case # 21-1760)](https://www.wrightslaw.com/law/scotus/ajt.v.osseo/2021.1108.scotus.ajt.complaint.pdf)  
    
  Later, Osseo filed a [Motion to Consolidate and Stay](https://www.wrightslaw.com/law/scotus/ajt.v.osseo/2022.0103.scotus.ajt.motion.to.consolidate.pdf) both cases. On February 8, 2022, AJT's counsel, Amy J. Goetz of the [School Law Center,](https://www.schoollawcenter.com/) filed an [impressive brief in opposition,](https://www.wrightslaw.com/law/scotus/ajt.v.osseo/2022.0208.scotus.ajt.brief.in.opposition.to.consolidation.pdf) relying extensively on the [***prior Fry***](https://www.wrightslaw.com/law/caselaw/2017/ussupct.fry.napoleon.15-497.pdf) and [***Perez v. Sturgis***](https://www.wrightslaw.com/law/scotus/sturgis/2023.0321.SCOTUS.Opinion.Perez.v.Sturgis.21-887.pdf) decisions issued by SCOTUS in 2017 and 2023.  
    
  In the parents' case against Osseo, the District Court dismissed their Section 504 and ADA claims, explaining that -  
  "In the instant case, Plaintiffs assert three claims against the District:  
        (1) violations of the IDEA;  
        (2) violations of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C 794 ("Section 504"); and  
        (3) violations of the Americans with Disabilities Act ("the ADA")."  
    
  "As discussed in detail below, the evidence in the record supports granting Defendants' Motion for Summary Judgment. Even assuming AJT was denied the benefits of a program or activity of a public entity receiving federal funds and/or discriminated against based on her disability, the District did not act with bad faith or gross misjudgment when making educational decisions regarding AJT.  
    
  In addition, even if the District took all the actions Plaintiffs allege it took, there is no evidence it did so to retaliate against AJT's parents for their advocacy on behalf of AJT. Finally, Plaintiffs' IDEA claims are foreclosed for a number of reasons. Thus, the District's Motion for Summary Judgment is granted."  
    
  But the District Court upheld the IDEA decision from the due process hearing on behalf of AJT, finding that:  
    
  "The correct standard is whether AJT's IEP established an educational program that was 'appropriately ambitious in light of her circumstances.' [citing *Endrew F. v. Douglas Cnty. Sch. Dist.*]"  
    
  "Without more than 4.25 hours of schooling a day, the IEP did not establish such a program. AJT's de minimis educational progress since moving to the District does not change that fact, especially in light of her regression in certain areas and the fact that certain historical goals had to be cut from her IEP due to the shortened school day."  
    
  "In addition, the District's shifting reasons for denying the in-home instruction AJT seeks to make up for the morning hours she is not in school were never based on AJT's needs. Accordingly, AJT's Motion for Judgment on the Record is granted and the District's Motion is denied."  
    
  At the U.S. Court of Appeals for the Eighth Circuit, the parents appealed the District Court dismissal of the Section 504 and ADA claims, and Osseo appealed the adverse IDEA decision. Thus, once again, two separate cases were pending, filed by each party.  
    
  The Eighth Circuit ruled in favor of the school district on the Section 504 and ADA claims and in favor of the child and parents on the IDEA case. [Cites: 96 F.4th 1058 (2024) and 96 F.4th 1062 (2024)]  
    
  AJT appealed to the U. S. Supreme Court, which reviewed and reversed the Court of Appeals' finding regarding the standard for Section 504 and ADA violations. They explained that A.J.T. is a "qualified individual with a disability" who "was denied the same length school day as her nondisabled peers based on her disability." But that the lower court held that AJT failed to state a prima facie case under Section 504 or the ADA because she did not show that school officials **"acted with bad faith or gross misjudgment."**  
    
  *\*\*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."*  
  "The judgment of the United States Court of Appeals for the Eighth Circuit is **vacated,** and the case is remanded for further proceedings consistent with this opinion."  
    
  **In other words, the "bad faith or gross misjudgment" standard used in the Eighth Circuit pursuant to the "Monahan" standard in special education cases to find a Section 504 or ADA violation was struck down!**

**Court Cases on ESY**

**Johnson v. Independent School Dist. No. 4, 921 F.2d 1022 (10th Cir. 1990)**

* **What happened:** Parents argued their child needed Extended School Year services due to regression over breaks.
* **Court said:** ESY must be based on *individual needs*. The nine Wrightslaw factors must guide the IEP team.
* **Takeaway for parents:** Districts cannot use a “one size fits all” denial. ESY is required if regression/recoupment or other factors apply.

**Court Cases on Methodology & Evidence-Based Instruction**

**Deal v. Hamilton County Bd. of Educ., 392 F.3d 840 (6th Cir. 2004)**

* **What happened:** Parents requested Applied Behavior Analysis (ABA) methodology; the district offered generic autism services.
* **Court said:** If a methodology is necessary for the child to receive FAPE, the IEP must include it.
* **Takeaway for parents:** The same principle applies to dyslexia — Wilson/OG may be required, not optional.

**Natrona County Sch. Dist. v. Ryan, 2020 WY 7 (Wyoming Supreme Court)**

* **What happened:** Family challenged the district’s refusal to provide services matching the child’s diagnosed needs.
* **Court said:** Districts must provide services tailored to *unique needs* and cannot rely solely on district policies.
* **Takeaway for parents:** Wyoming law affirms the need for individualized evidence-based services.

**Court Cases on Deliberate Indifference & Stay Put**

**K.D. v. Dept. of Educ., Hawaii, 665 F.3d 1110 (9th Cir. 2011)**

* **What happened:** District knowingly ignored repeated signs the child wasn’t making progress.
* **Court said:** This rose to the level of *deliberate indifference* under Section 504 and ADA.
* **Takeaway for parents:** When schools ignore clear evidence, they may be liable for damages — not just IEP corrections.

**Doe v. East Lyme Board of Education, 790 F.3d 440 (2d Cir. 2015)**

* **What happened:** Parents invoked “Stay Put” after disputes about services. District refused.
* **Court said:** Stay Put is a powerful protection — services must continue until disputes are resolved.
* **Takeaway for parents:** If you invoke Stay Put, the district cannot cut services while you fight.

**Together, these cases show a pattern courts recognize:**

* Dyslexia is real, and must be named/addressed.
* Methodology matters (Wilson/OG can be required).
* ESY cannot be blanket-denied.
* Districts risk liability for ignoring evidence.
* Stay Put ensures continuity while parents advocate.

# 2. Court Cases on Extended School Year (ESY)

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• Takeaway: Districts cannot use a blanket denial. ESY is required if regression/recoupment or other factors apply.

## Nine ESY Factors (Wrightslaw – All About IEPs)

1. Regression and recoupment

2. Degree of progress toward IEP goals

3. Emerging skills and breakthrough opportunities

4. Interfering behaviors

5. Nature and severity of the disability

6. Special circumstances (family, home, community)

7. Availability of alternative resources

8. Vocational needs of the child

9. Other relevant factors determined by the IEP team

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# 4. Court Cases on Deliberate Indifference & Stay Put

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