# Failure to Provide Qualified Dyslexia Instruction: Legal Violations

Despite the presence of Individualized Education Programs (IEPs) that outline appropriate interventions, our school districts do not employ educators trained in Structured Literacy evidence-based programs such as Orton-Gillingham approach including Wilson, Barton, and others. This failure to provide qualified instruction denies students with dyslexia their right to a Free Appropriate Public Education (FAPE) as guaranteed under the Individuals with Disabilities Education Act (IDEA) and further violates their rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).

Families should not have to bear the financial cost of obtaining private dyslexia intervention when it is the legal and ethical responsibility of public schools to provide adequate support.

## Immediate Actions Needed

1. Invest in Teacher Training – Require all educators working with students with dyslexia to be trained/certified in evidence-based, structured literacy programs that align with International Dyslexia Association (IDA) standards.

2. Ensure Compliance with IDEA – Provide adequate oversight and accountability to ensure that IEPs are not just well-written but properly implemented by trained professionals.

## Violation of the Individuals with Disabilities Education Act (IDEA)

- IDEA guarantees every eligible child with a disability the right to a Free Appropriate Public Education (FAPE) designed to meet their unique needs and prepare them for further education, employment, and independent living.
- By failing to provide instruction through educators trained in evidence-based Structured Literacy, the district denies students the specially designed instruction required under 20 U.S.C. § 1400(d) and 34 C.F.R. § 300.39.
- IDEA regulations (34 C.F.R. §§ 300.304–300.309) require schools to use valid, reliable, and evidence-based methods to evaluate and serve children with specific learning disabilities, including dyslexia.
- Courts have affirmed that an IEP must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances” (Endrew F. v. Douglas County School District, 580 U.S. 386 (2017)). Failure to provide qualified instruction falls short of this standard.

## Violation of Section 504 of the Rehabilitation Act

- Section 504 prohibits discrimination on the basis of disability in any program receiving federal funding, including public schools.
- By failing to provide trained teachers in evidence-based reading instruction, the district denies students with dyslexia equal access to education.
- Courts have held that failure to provide reasonable accommodations or specialized instruction tailored to the disability constitutes discrimination under Section 504.

## Violation of the Americans with Disabilities Act (ADA)

- Title II of the ADA requires that public entities, including schools, provide equal opportunity to participate in and benefit from programs and services.
- Denying dyslexic students access to qualified instruction creates barriers that exclude them from meaningful participation in the educational program.
- The school’s inaction demonstrates deliberate indifference—a recognized ADA standard for liability—because administrators know of the need for evidence-based literacy interventions but refuse to act.