Parent Guide: Key Court Cases Protecting Students with Dyslexia

Parents often hear “no” from schools when requesting evidence-based literacy instruction. Federal courts have consistently ruled that students with dyslexia are entitled to appropriate, research-based instruction under IDEA, Section 504, and the ADA.

Below are important cases every parent should know:

## R.E.B. v. Hawaii Department of Education

***870 F.3d 1025 (9th Cir. 2017)***

Issue: The school failed to implement the critical evidence-based methodology, despite evidence the student required it.

Takeaway: Courts can order districts to provide specific methodologies/programs (dyslexia - such as Wilson or Orton-Gillingham) (autism - applied behavioral analysis -ABA) when necessary for FAPE. Districts cannot hide behind “methodology discretion” if a program is essential.

## Student A v. Berkeley USD

***2009 WL 2413121 (N.D. Cal. 2009)***

Issue: The district delayed and denied evaluation, ignoring red flags of dyslexia.

Takeaway: Child Find obligations require prompt evaluation when dyslexia is suspected. Delays in evaluation or intervention are unlawful.

## O.R. v. Clark County School District

***2017***

Issue: The district failed to provide appropriate reading interventions, relying on supports that were ineffective for dyslexia.

Takeaway: Schools must provide evidence-based interventions when data shows a student is not progressing. Courts recognize that structured literacy programs are necessary for FAPE.

## Endrew F. v. Douglas County School District RE-1

***580 U.S. 386 (2017) – U.S. Supreme Court***

Issue: Whether an IEP offering only minimal progress satisfies IDEA.

Takeaway: The Supreme Court raised the standard: IEPs must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” For students with dyslexia, this means trivial progress or passing grades are not enough—schools must deliver real, measurable growth through effective instruction.

# Parent Advocacy Tips

• Reference these cases in IEP meetings when schools claim they cannot specify methodology or deny structured literacy.
• Document your child’s progress with reading samples, tutoring data, and assessments.
• Request Prior Written Notice (PWN) if the school refuses evidence-based programs.
• Remember: FAPE means meaningful progress, not minimal advancement.

 *This handout is for educational advocacy purposes and is not legal advice. For legal strategy, consult a qualified special education attorney.*