# Evidence-Based Instruction in the Dyslexia Context

## Legal Definition

When applied to dyslexic students, evidence-based reading instruction legally consists of:

• Instructional methodology grounded in the Science of Reading and validated by rigorous research to improve literacy skills in students with dyslexia or similar reading disorders.  
• Systematic, explicit, cumulative, and multisensory approaches shown to be effective (e.g., Wilson Reading System, Orton–Gillingham, Barton Reading & Spelling).  
• Delivered with fidelity — meaning the program is implemented exactly as designed, by trained providers, with sufficient intensity and duration to replicate the results found in the research.  
• Selected based on objective evidence of effectiveness for the student’s specific needs, not on teacher preference or convenience.

## Key Elements of Evidence-Based Reading Instruction

Legally compliant evidence-based reading instruction must:

1. Be backed by rigorous research  
 • Meets ESSA’s “strong,” “moderate,” or “promising” evidence tiers.  
 • Has measurable outcomes in phonological awareness, phonics, fluency, vocabulary, and comprehension.  
  
2. Target the core deficits of dyslexia  
 • Focuses on phonemic awareness, alphabetic principle, decoding, encoding, fluency, and comprehension.  
  
3. Be delivered by appropriately trained personnel  
 • Teacher/instructor has completed certification or equivalent professional development in the specific program.  
  
4. Be measurable and progress-monitored  
 • Student progress is tracked regularly, and instruction is adjusted based on data.  
  
5. Be integrated into the IEP/504 plan with specificity  
 • The methodology, frequency, duration, and provider qualifications are documented.

## Citable Version (for Briefs, Letters, or IEP Notes)

Under IDEA, the operative requirement for instruction in an IEP isn’t the loose phrase “evidence-based.” The binding language is:

• IEP services and supports must be “based on peer-reviewed research to the extent practicable.” 34 C.F.R. § 300.320(a)(4).  
• For SLD/dyslexia identification and programming, districts must use “scientific, research-based” intervention processes (e.g., RTI/MTSS) and show the child received appropriate instruction in reading from qualified personnel. 34 C.F.R. §§ 300.307–300.309.  
• The U.S. Department of Education commentary clarifies “peer-reviewed research” means approaches vetted through rigorous peer review, and if a methodology is necessary for FAPE, the IEP may specify it. 71 Fed. Reg. 46,665 (Aug. 14, 2006).

ESSA/ESEA defines “evidence-based” with four tiers of evidence: strong, moderate, promising, or demonstrates a rationale (20 U.S.C. § 7801(21)(A)).

IDEA cross-references the “essential components of reading instruction”: explicit, systematic instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension (ESEA § 6368(3)).  
OSERS’ 2015 Dyslexia Dear Colleague Letter encourages use of evidence-based interventions within MTSS/RTI and IEPs.

## Key Cases Supporting Evidence-Based Instruction

• Endrew F. v. Douglas County Sch. Dist., 580 U.S. 386 (2017) — IEPs must enable progress appropriate in light of the child’s circumstances.  
• Falmouth Sch. Dep’t v. Doe, 44 F.4th 23 (1st Cir. 2022) — District deference applies only if chosen program produces Endrew-level progress.  
• O.R. v. Clark County Sch. Dist., No. 2:18-cv-01504-RFB-EJY (D. Nev. 2021) — Reimbursement awarded where district failed to provide appropriate instruction; private OG placement succeeded.  
• Van Duyn v. Baker Sch. Dist. 5J, 502 F.3d 811 (9th Cir. 2007) — Material failure to implement IEP equals denial of FAPE.  
• M.C. v. Antelope Valley Union HSD, 858 F.3d 1189 (9th Cir. 2017) — IEP is binding; districts cannot alter services unilaterally.

*These are just a few court rulings listed here…there are additional rulings supporting this position..*

## How to Use This in Requests/IEPs

• **Present levels / needs:** “Student exhibits characteristics of dyslexia (phonological and orthographic processing deficits).” (OSERS 2015 DCL.)  
• **Services statement:** “Provide 1:1 structured literacy (e.g., OG-aligned/Wilson-certified) instruction, explicit, systematic, cumulative, based on peer-reviewed research (34 C.F.R. § 300.320(a)(4)), 4–5 days/week, 45–60 minutes, with progress monitoring every 2–4 weeks.”  
• **Content:** Target phonemic awareness, phonics, fluency, vocabulary, comprehension.  
• **Why this method:** “Under Endrew F., services must enable appropriate progress; generic programs have not produced progress. OSEP 2006 commentary allows specification when necessary.”  
• **Fidelity/enforcement:** “Departure from methodology/intensity denies FAPE (Van Duyn); IEP is binding (Antelope Valley).”

## One-Sentence Summary for Hearings

IDEA requires that special education be based on peer-reviewed research and that SLD determinations and interventions use scientific, research-based methods; for dyslexia, that means explicit, systematic instruction in the five essential components of reading, and when generic programs don’t yield Endrew-level progress, courts enforce fidelity and award reimbursement for structured programs (e.g., OG/Wilson).