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AN UPDATE OF THE LAW AND STUDENTS WITH **DYSLEXIA**: IDENTIFICATION AND INTERVENTION ^{a1}

This is an update of an article ¹ that provided, in the form of an annotated outline, a comprehensive yet concise compilation of the (a) federal laws, (b) state laws, and (c) court decisions ² concerning students with dyslexia in K-12 public schools. ³ The two twin focal, but not exclusive, areas are eligibility, or identification, and services, or interventions, especially but not exclusively school districts' obligation to provide a free appropriate public education (FAPE) under the federal laws specified herein. The highly litigated subject of methodology is a primary example and subset of the FAPE category. Conversely, court decisions limited to adjudicative issues, such as stay-put, ⁴ the statute of limitations, ⁵ and exhaustion, ⁶ are excluded.

***609** The document contains three successive sections: 1) federal legislation and regulations; 2) state legislation and regulations; and 3) court decisions. The entries provide illustrative annotations, with detailed footnotes according to standard legal citation style. The author's personal comments are designated in italics; the overall perspective is that of an impartial legal observer, not a dyslexia expert or advocate. In any event, this material is not intended as legal advice; the reader should examine the cited sources in consultation with legal counsel for his or her independent interpretation and application.

I. Federal Legislation and Regulations ⁷

A. Section 504 of the Rehabilitation Act (§ 504) and the Americans with Disabilities Act (ADA)

For **eligibility** for a free appropriate public education (FAPE), the definition of individual with a disability ⁸ requires three essential elements, interpreted under the new standards of the Americans with Disabilities Act Amendments Act (ADAAA) ⁹ and its subsequent regulations: ¹⁰

1. physical or mental impairment-listing "specific learning disabilities" as one of the examples ¹¹ and, in the accompanying commentary with analogy to the IDEA, dyslexia as one of the specific learning disabilities, ¹² with recent reinforcement by express inclusion as an example in the ADA Title II regulations ¹³
2. substantially limiting-determined without mitigating measures, such as assistive technology, learned behavioral or adaptive neurological modifications, and reasonable accommodations or auxiliary aids/services

3. a major life activity-listing “reading” among the examples as a result of the ADA. ¹⁴

Thus, having necessarily met the first of the three essential elements, a student with dyslexia does not automatically qualify under § 504. However, the ADA increases the possibility, upon an individualized determination of the other two elements, of eligibility.

***610** For **FAPE**, § 504, requires “special or regular education and related aids and services that are (i) designed to meet individual educational needs of [individuals with disabilities] as adequately as the needs of [nondisabled] persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of 104.34 [educational setting-LRE], 104.35 [evaluation and placement], and 104.46 [procedural safeguards, including an impartial hearing].” ¹⁵

Thus, if the student is eligible, the school district may serve the student either under the overlapping coverage of the IDEA if the student meets its generally narrowed definition of disability or solely under § 504. For formal dispute resolution, the parent may resort to the administrative investigatory and adjudicatory avenues under § 504/ADA ¹⁶ and--if the student is double-covered--the corresponding avenues under the IDEA. ¹⁷

B. Individuals with Disabilities Education Act (IDEA) ¹⁸

For **eligibility** for FAPE, the definition of child with a disability ¹⁹ requires two essential elements:

1. meeting the criteria of one or more specified classifications, including “specific learning disability” (SLD) ²⁰

***611** 2. “by reason thereof,” needing special education.

Thus, a student with dyslexia is not automatically eligible under the IDEA; s/he must meet either the remaining criteria of SLD, depending on whether the state uses a severe discrepancy or response to intervention model (RTI), ²¹ or the criteria of another IDEA classification, ²² and need special education as a result.

For **FAPE**, the IDEA requires special education and, if necessary, related services that meet a primarily two-pronged standard: ²³

1. procedural compliance: strict via the state's complaint resolution process ²⁴ but a relatively relaxed, harmless-error approach--with a parental participation exception--via the adjudicative process ²⁵
2. substantive sufficiency: “reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.” ²⁶

Thus, disputes as to whether a district has met its FAPE obligation are subject to different, individualized formal resolution depending on the avenue²⁷ and the individual aspects in the forum.²⁸

II. State Laws

Under the concept of “cooperative federalism,”²⁹ it is generally understood that state laws may *add to, not take away, from the districts' obligations* *612 (or, conversely, the students' rights) under these federal laws. Thus far, a handful of states have enacted legislation or issued regulations specific to K-12 students with dyslexia.³⁰ These laws vary in their strength and specificity. They apply to state education agencies (SEAs) and, through them, to local education agencies (LEAs),³¹ sometimes with teacher preparation requirements for institutions of high education (IHEs) or certification, which is separate from provisions for SEA or LEA technical assistance (TA).

Here is what I found in order of what appears approximately to be their relative strength in terms of overall scope and legal force:³²

STRONG:

Alabama requires an advisory council, SEA resource guide, extensive SEA professional development;³³ LEA K-3 screening and an individual intervention plan via problem solving teams;³⁴ also has established a certification “dyslexia therapist endorsement”³⁵ and membership on literacy task force.³⁶

Arkansas requires coverage in teacher preparation programs;³⁷ SEA dyslexia specialist,³⁸ resource guide,³⁹ awareness TA,⁴⁰ and enforcement;⁴¹ LEA K-2 screening with two levels of screening after more general screening and with Level II per the SEA guide,⁴² RTI for students identified at Level I and seemingly § 504 if identified at Level II,⁴³ parent information for students identified at either level,⁴⁴ annual LEA report to SEA;⁴⁵ at least one dyslexia interventionist per LEA.⁴⁶

*613 Indiana requires an SEA updated resource guide,⁴⁷ staff specialist,⁴⁸ and professional development for all teachers;⁴⁹ LEA K-2 screening with SEA-approved instrument,⁵⁰ specified interventions via RTI,⁵¹ trained reading specialist,⁵² parent information,⁵³ and annual reports;⁵⁴ inclusion in IDEA evaluation and IEP;⁵⁵ nominal teacher preparation coverage.⁵⁶

Louisiana provides for ancillary certification as dyslexia therapist and dyslexia practitioner;⁵⁷ established pilot programs;⁵⁸ requires SEA guidance⁵⁹ and, via prescribed school-level committee, LEA K-3 screening,⁶⁰ assessment,⁶¹ resulting remedial services,⁶² professional information training⁶³ and public notice.⁶⁴

Mississippi requires SEA adoption of “pilot programs” for testing and appropriate services for students with “dyslexia and related disorders” who do not qualify for special education services,⁶⁵ and LEA screening with state-approved instrument during kindergarten (spring) and grade 1 (fall), with specified subsequent evaluation option and resulting eligibility for LEA dyslexia program or for state dyslexia scholarship at another LEA or a nonpublic school;⁶⁶ also provides for administrator and dyslexia therapist (per separate certification) for LEA services.⁶⁷

Texas requires certification for dyslexia therapists and dyslexia practitioners with an advisory committee;⁶⁸ teacher preparation requirements;⁶⁹ SEA training opportunities for continuing education credit;⁷⁰ *614 SEA compliance enforcement of LEA screening and intervention requirements;⁷¹ LEA screening at end of kindergarten and grade 1, § 504 or IDEA evaluation, and resulting “treatment” per detailed SEA handbook;⁷² LEA parent information;⁷³ annual reporting;⁷⁴ a certified “dyslexia therapist” at each regional education service center;⁷⁵ also has established extra funding for specified qualifications, including an IEP or 504 plan⁷⁶ and grants, expiring on 9/1/21, for innovative separate K-3 program;⁷⁷ a statewide committee to develop a classroom technology plan;⁷⁸ and alternate assessments via § 504.⁷⁹

MODERATE/STRONG:

Georgia requires an SEA handbook (per detailed specifications), SEA professional development, K-3 screening with SEA-approved tool for children identified via an RTI, three-year pilot program;⁸⁰ and also has established a certification “dyslexia endorsement”⁸¹ and coverage in teacher preparation programs.⁸²

Maine requires K-2 screening for teacher-identified children and a SEA dyslexia coordinator to provide professional development to LEA personnel.⁸³

Missouri requires SEA guidelines, screening and reasonable classroom support per the guidelines, and two hours of LEA inservice training regarding dyslexia and related disorders;⁸⁴ and also specifies dyslexia as one of five categories (via either IEP or medical diagnosis) eligible for voucher-type scholarships.⁸⁵

Montana requires SEA guidance, K-2 screening, and, for identified students, best practice interventions.⁸⁶

Nebraska requires (1) specified literacy instruction for all students identified as exhibiting characteristics of dyslexia except those who are on IEPs, (2) a SEA technical assistance document, and (3) coverage in teacher preparation programs.⁸⁷

***615** Nevada requires an SEA resource guide, training for at least one K-3 teacher at each school, LEA K-3 screening and resulting RTI,⁸⁸ and also norm-referenced assessment as part of IDEA evaluation for SLD in specified circumstances⁸⁹ and, if IDEA-eligible, specific standards for resulting IEP.⁹⁰

New Hampshire requires (a) SEA to provide a trained reading specialist and a resource guide for TA to LEAs for identifying and assisting students with dyslexia, dyscalculia, and dysgraphia, and (b) LEAs to provide screening, parental notification, and interventions to students with “potential indicators or risk factors of dyslexia and related disorders.”⁹¹

New Jersey requires (a) SEA PD of 2 hrs./yr. for K-3 and other designated teachers,⁹² (b) SEA guidance and screening instruments,⁹³ (b) dyslexia screening by the end of grade 2, and (c) comprehensive assessment of the screening-identified students and resulting “appropriate evidence-based intervention strategies.”⁹⁴

New Mexico requires SEA technical assistance, LEA professional development, grade 1 screening, and “appropriate classroom interventions” or referral to RTI.⁹⁵

Rhode Island requires coverage in approved IHE programs for preparing certified elementary teachers and reading specialists starting in 2021-22;⁹⁶ a funded commission to explore feasibility of 2 lab schools for students with dyslexia and other learning disabilities;⁹⁷ a learning lab for training teachers and parents;⁹⁸ SEA website resources for best practices⁹⁹ and professional development services for elementary teachers;¹⁰⁰ screening upon entry and dyslexia-targeted assistance “when appropriate” within required literacy services.¹⁰¹

South Carolina requires state-provided professional development, LEA screening in grades K-1 and, as needed, in grade 2 “to the extent funding is provided or that approved screening tools are available at no cost,” and tier-based interventions for the identified students.¹⁰²

Tennessee requires the SEA to establish a specified state advisory council and to provide inservice training; requires LEAs to conduct ***616** specified dyslexia screening and interventions within the mandatory RTI framework.¹⁰³

Washington requires the SEA to develop, “[w]ithin available resources,” an educator training program and a handbook for teachers and parents of students with dyslexia¹⁰⁴ and, starting with the 2021-22 school year, grades K-2 dyslexia screening and MTSS interventions to those “who display indications of, or areas of weaknesses associated with, dyslexia.”¹⁰⁵

MODERATE/WEAK:

Connecticut requires (a) all teacher preparation programs to include at least 12 hours of instruction in dyslexia identification and interventions,¹⁰⁶ (b) a practicum in dyslexia identification and interventions for specified certifications relating to reading and special education;¹⁰⁷ (c) a designated staff member in the SEA to provide dyslexia TA¹⁰⁸ and SEA-developed or-approved screening assessments for students in grades K-3 who are below proficiency in reading;¹⁰⁹ and (d) LEA inservice training that includes dyslexia identification and interventions.¹¹⁰

North Dakota established a pilot program for early screening and intervention for four years starting with 2019-20.¹¹¹

Ohio authorizes training by dyslexia specialists for teachers in grades K-4¹¹² and requires a pilot project for early screening and interventions.¹¹³

Oregon requires specified dyslexia instruction in elementary teacher preparation programs;¹¹⁴ an SEA dyslexia specialist; SEA training opportunities, including at least one online; specified LEA dyslexia training for at least one teacher in each K-5 school; and, dyslexia screening, via one of the SEA-identified tests, upon enrolling in kindergarten or first grade.¹¹⁵

Pennsylvania required a pilot program that will have the participation of at least eight school LEAs for a five-year period (starting in 2019), including evidence-based kindergarten screening, evidence-based core reading program and interventions, and an overall evaluation.¹¹⁶

WEAK:

Arizona provides for SEA opportunities for training and CEU, renewal credit¹¹⁷ and an exemption from the third-grade retention requirement;¹¹⁸ *617 a SEA dyslexia specialist¹¹⁹ and dyslexia handbook;¹²⁰ required part of initial P-12 certifications¹²¹ and renewal;¹²² at least one K-3 LEA teacher with dyslexia training per school.¹²³

California encourages LEA professional development programs with a focus on SLD, “including dyslexia and related disorders”¹²⁴ and requires LEA guidelines for identification and remediation;¹²⁵ also encourages increased emphasis in IHE teacher preparation programs¹²⁶ and a joint state university neurodiversity learning center.¹²⁷

Colorado includes it as one of the requirements for reading specialist certification¹²⁸ and authorizes the SEA to provide TA and PD to LEAs “concerning issues faced by students with literacy challenges, including dyslexia,” with an annual report to the state board of education and to the legislative education committees.¹²⁹

Florida includes dyslexia in the requirements for reading certification,¹³⁰ LEA required professional development activities,¹³¹ and, only upon an IEP or 504 plan, in the McKay voucher program.¹³²

Iowa requires the early literacy interventions center to provide, “subject to an appropriation of funds by the general assembly,” professional development for LEA personnel¹³³ and teacher preparation to include dyslexia.¹³⁴

Kentucky requires the SEA to provide teacher web-based access to instructional tools within state mandate for RTI approach to SLD.¹³⁵

Massachusetts requires the SEA, “subject to appropriation,” to “issue guidelines to assist LEAs in developing screening procedures or protocols for students that demonstrate one or more potential indicators of a neurological learning disability, including, but not limited to, dyslexia.”¹³⁶

Minnesota requires the SEA's employment of a dyslexia specialist and an annual report from each LEA summarizing efforts to screen and identify K-3 students with (a) dyslexia or (b) convergence insufficiency disorder.¹³⁷

Utah has established a pilot program for early multi-tiered interventions for students with dyslexia.¹³⁸

Virginia requires (a) inclusion of dyslexia coverage in IHE teacher preparation programs generally¹³⁹ and reading specialists specifically,¹⁴⁰

***618** (b) dyslexia awareness training for initial and renewal licensing of teachers,¹⁴¹ and (c) if the LEA employs reading specialist(s), at least one with dyslexia training.¹⁴²

NEGLIGIBLE:

Illinois requires an SEA handbook¹⁴³ and “refer[ral]” for an IDEA evaluation of “each child identified or suspected of having dyslexia.”¹⁴⁴

Kansas has established a task force on dyslexia.¹⁴⁵

Maryland requires inclusion of dyslexia on an early warning checklist on each LEA website.¹⁴⁶

Michigan includes a limited proviso in its early literacy funding conditioning intermediate LEAs' potential expenditure for screening tools to use the results for student identification.¹⁴⁷

New York has an initial certification requirement for literacy teaching¹⁴⁸ and a limited SEA guidance requirement for dyslexia, dysgraphia, and dyscalculia, including clarification that LEAs may reference these terms in the evaluation, eligibility determinations, and IEPs under the IDEA.¹⁴⁹

North Carolina provided for SEA information for educators and parents, ongoing SEA professional development, and LEA review of screening instruments but only in the form of an uncodified session law.¹⁵⁰

Oklahoma has limited provisions within teacher preparation requirement¹⁵¹ and has established a pilot program for dyslexia training for higher education faculty¹⁵² and requires LEA awareness training one time per year beginning in 2020-21.¹⁵³

West Virginia defines dyslexia and dyscalculia in reinforcing the preexisting obligations under the SLD category of IDEA.¹⁵⁴

Wisconsin requires the SEA to issue a regularly updated guidebook on dyslexia “and related conditions.”¹⁵⁵

Thus, as largely exemplified in New Jersey,¹⁵⁶ parents and advocates of students with dyslexia need to consider lobbying for stronger state laws, based on the Louisiana-Texas model and with clearer coordination with the IDEA and § 504,¹⁵⁷ if they view legislation or regulations as the appropriate course of action for more extensive district efforts at identification and intervention.

***619 III. Court Decisions**

A. Under § 504/ADA:

Eligibility: The case law is limited to one brief decision where the court ruled that the child was not eligible under § 504 prior to the ADA.¹⁵⁸

FAPE: Similarly, the case law concerning interventions is, thus far, sparse and largely district-friendly.¹⁵⁹

B. Under the IDEA:

Eligibility: The case law concerning SLD eligibility is extensive,¹⁶⁰ but cases concerning the diagnosis of dyslexia are rare.¹⁶¹

***620** FAPE: Per the applicable standards,¹⁶² the dyslexia-specific FAPE cases were based on procedure,¹⁶³ substance,¹⁶⁴ or both.¹⁶⁵ A substantial segment ***622** concerned tuition reimbursement, especially for SLD-specialized private schools.¹⁶⁶ Finally, the case law for students with dyslexia is ***623** limited for the overlapping issue of placement in the least restrictive environment (LRE) and largely adverse to the plaintiff-parents.¹⁶⁷

Much of the FAPE case law concerns Orton-Gillingham methodology. A systematic study found 64 decisions from 1980 through 2005, with slightly more than half of them at the IDEA hearing or review officer level and with

the highest concentration during the late 1990s.¹⁶⁸ Parents won, either partially or completely, only 23% of these cases, in notable part attributable to the deference that courts accord to districts when the issue is methodology.¹⁶⁹

In many IDEA cases, the student's dyslexia is one of several diagnoses or is incidental rather than critical to the FAPE issue, such as whether § 1983 is available to obtain money damages under the IDEA or § 504,¹⁷⁰ whether parents had viable claims against the district's legal counsel and state's review officer,¹⁷¹ or whether the parents were entitled to attorneys' fees.¹⁷² Other cases focus on rather technical adjudicative issues under the IDEA and § 504.¹⁷³

*Thus, litigation is typically a matter of the eligibility, FAPE, and other provisions of the IDEA, which are not specific to dyslexia per se. Given the outcomes' trend and their particular concerns, parents of students with dyslexia should be careful about pursuing litigation, as compared to other avenues of legal recourse and dispute resolution.¹⁷⁴ The factors of this cost-benefit analysis specific to litigation under these federal laws include the effectiveness of the selected attorney, the factual contours of the case in relation to the applicable federal law, and the culture/competence of the *624 defendant district. In any event, unlike the parents' concern, dyslexia will not typically be the key to the case outcome.*

C. State Law

Relevant court decisions based on state common law or legislation/regulations have been negligible.¹⁷⁵

Consequently, absent stronger state laws or innovative judicial precedents, state adjudicative claims do not significantly change the litigation landscape.

Footnotes

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¹ Perry A. Zirkel, *Update of the Law and Students with Dyslexia: Identification and Intervention*, 318 Ed. Law Rep. 603 (2015).

² The following more marginal or less available legal sources are only briefly mentioned incidental to these primary sources of law: 1) § 504 or ADA policy interpretations and letters of findings of the Office for Civil Rights (OCR), 2) IDEA policy interpretations of the Office of Special Education Programs (OSEP) or the Office of Special Education and Rehabilitative Services (OSERS); 3) hearing/review officer decisions under the IDEA or § 504/ADA; and 4) complaint investigation reports under the IDEA state complaint

resolution process. The items in the first two categories specific to dyslexia are relatively few and targeted to the IDEA. *E.g.*, Letter to Unnerstall, 68 IDELR ¶ 22 (OSEP 2016); Dear Colleague Letter, 66 IDELR ¶ 188 (OSERS 2015); Houston Indep. Sch. Dist., 65 IDELR ¶ 52 (OCR 2014); Letter to Anonymous, 22 IDELR 460 (OSEP 1994); Letter to Wilson, 22 IDELR 20 (OSEP 1994); Letter to Anonymous, 21 IDELR 70 (OSEP 1994); Letter to D'Amato, 17 IDELR 466 (OSEP 1991); Letter to Arons, 16 IDELR 1028 (OSEP 1990) (explaining that IDEA focuses on SLD eligibility and FAPE, not dyslexia or a particular dyslexia methodology). The third category is extensive but subordinate to court decisions. The fourth category is becoming more frequent and successful for parents, though often limited to procedural relief. *E.g.*, Medford Sch. Dist. 549C, 115 LRP 24916 (Or. SEA Apr. 22, 2015).

3 Thus, it does not extend to employees or other non-students in the K-12 context. Similarly, it does not extend to students in, or other related aspects of, postsecondary education (e.g., certification or training programs for teachers).

4 *E.g.*, *D.C. v. Klein Indep. Sch. Dist.*, 75 IDELR ¶ 128 (S.D. Tex. 2019).

5 *E.g.*, *Brady P. v. Cent. York Sch. Dist.*, 71 IDELR ¶ 215 (E.D. Pa. 2018).

6 *E.g.*, *Avaras v. Clarkstown Cent. Sch. Dist.*, 75 IDELR ¶ 71 (S.D.N.Y. 2019).

7 Because the focus here is on identification and interventions in P-12 schools, the coverage does not extend to federal statutes such as the Research Excellence and Advancements for Dyslexia (READ) Act, which provides for National Science Foundation research on dyslexia. 42 U.S.C. § 1862r-1 (2018).

8 § 504: 29 U.S.C. § 705(20); 34 C.F.R. § 104.3(j). ADA: 42 U.S.C. § 12102(1); 28 C.F.R. §§ 35.104 and 36.104. OCR has made clear that the other two prongs of the definition--“record of” and “regarded as”--are rarely applicable to students (as compared to employees) and not the basis for FAPE. *E.g.*, Office for Civil Rights, Frequently Asked Questions (2009), <http://www.ed.gov/about/offices/list/ocr/504faq.html>); Senior Staff Memorandum 19 IDELR 894 (OCR 1992).

9 The ADA went into effect on January 1, 2009. For an overview, see, e.g., Perry A. Zirkel, *What Does the Law Say?: New Section 504 Student Eligibility Standards*, 41 TEACHING EXCEPTIONAL CHILD. 68 (Mar./Apr. 2009).

10 For public schools, the relevant regulations are for Title II of the ADA. 28 C.F.R. § 35.108 (2018). These regulations went into effect on October 11, 2016. *Id.*

11 § 504: 34 C.F.R. § 104.3(j)(2)(i).

12 Appendix A to Part 104: Analysis of the Final Regulation, 45 Fed. Reg. 30,936 (May 9, 1980).

13 28 C.F.R. § 35.108(b)(2) (2018).

14 However, by way of contrast, the recognized areas of specific learning disability (SLD) under the IDEA are narrower, specifically including three reading components. See *infra* note 20.

15 34 C.F.R. § 104.33(b)(1). Showing the overlap of the IDEA, the next subsection provides that implementation of an IEP under the IDEA is one means of complying with this FAPE requirement. *Id.* § 104.33(b)(2).

16 The investigatory avenue under § 504 and the ADA for K-12 students is the complaint process of the OCR. The generally available dyslexia-related rulings are sparse and with mixed outcomes. *Compare* Dallas (TX) Indep. Sch. Dist., 16 EHLR 902 (OCR 1990) (inappropriate evaluation), *with* Wake Cty. (NC) Sch., 42 IDELR ¶ 177 (OCR 2004) (appropriate evaluation); *cf.* Stafford (TX) Mun. Sch. Dist., 37 IDELR ¶ 132 (OCR 2002) (discontinuation of dyslexia portion of the IEP was not significant change in placement).

17 Perry A. Zirkel & Brooke L. McGuire, *A Roadmap to Legal Dispute Resolution for Students with Disabilities*, 23 J. SPECIAL EDUC. LEAD. 100 (2010). For students only covered by § 504, the adjudicative avenue starts with an impartial hearing, and the administrative-investigative avenue is the OCR's complaint process. For students eligible under the IDEA, and thus double-covered, the additional adjudicative and investigatory avenues are the impartial hearing process and the complaint resolution process of the state education agency. *Id.* For more specific information about these two IDEA avenues, see Perry A. Zirkel, *A Comparison of the IDEA's Dispute Resolution Processes--Complaint Procedures and Impartial Hearings: An Update*, 369 Ed. Law Rep. 550 (2019).

- 18 For a recent reminder of the possible eligibility of students with dyslexia and related conditions under the IDEA, see Dear Colleague Letter, 66 IDELR ¶ 188 (OSERS 2015).
- 19 20 U.S.C. § 1402(3)(A); 34 C.F.R. § 300.8(a).
- 20 The definition lists dyslexia as one of the disorders in basic psychological processes. 20 U.S.C. § 1402(30); 34 C.F.R. § 300.8(c)(10)(i). The eight recognized areas for eligibility include basic reading skill, reading fluency skills, reading comprehension, written expression, and mathematics calculation. 34 C.F.R. § 300.9(a)(1). For a comprehensive analysis, see PERRY A. ZIRKEL, THE LEGAL MEANING OF SPECIFIC LEARNING DISABILITY FOR SPECIAL EDUCATION ELIGIBILITY (2006) (available from the Council for Exceptional Children-www.cec.sped.org). For successive updates, see Perry A. Zirkel, *The Legal Meaning of Specific Learning Disability for Special Education Eligibility: The Latest Case Law*, 46 COMMUNIQUÉ 14 (May 2018); Perry A. Zirkel, *The Legal Meaning of Specific Learning Disability for Special Education Eligibility: The Most Recent Case Law*, 43 COMMUNIQUÉ 10 (June 2015); Perry A. Zirkel, *The Legal Meaning of Specific Learning Disability for Special Education Eligibility: The Latest Case Law*, 41 COMMUNIQUÉ 10 (Jan./Feb. 2013); Perry A. Zirkel, *The Legal Meaning of Specific Learning Disability for Special Education Eligibility*, 42 TEACHING EXCEPTIONAL CHILD. 62 (May/June 2010).
- 21 For analyses of state laws, see, e.g., Laura Boynton Hauerwas, Rachel Brown & Amy N. Scott, *Specific Learning Disability and Response to Intervention: State-Level Guidance*, 80 EXCEPTIONAL CHILD. 101 (2013); Perry A. Zirkel & Lisa Thomas, *State Laws and Guidelines for Implementing RTI*, 43 TEACHING EXCEPTIONAL CHILD. 60 (Sept./Oct. 2010). For analysis extending beyond state laws, including OSEP policy letters and case law, see Perry A. Zirkel, *RTI and the Law*, 268 Ed. Law Rep. 1 (2011).
- 22 The other recognized classifications include speech/language impairment, emotional disturbance and other health impairment. 34 C.F.R. § 300.8.
- 23 More recently, courts have evolved two other dimensions of FAPE, which are not yet completely settled: failure to implement and capability to implement. *E.g.*, Perry A. Zirkel, *An Adjudicative Checklist of the Criteria for the Four Dimensions of FAPE under the IDEA*, 346 EDUC. L. REP. 18 (2017).
- 24 For a legal overview of this process, see, e.g., Perry A. Zirkel, *Legal Boundaries for the IDEA's Complaint Resolution Process: An Update*, 313 EDUC. L. REP. 1 (2015).
- 25 20 U.S.C. § 1415(f)(3)(E); 34 C.F.R. § 300.513(a)(2): In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies--
- (i) Impeded the child's right to a FAPE;
 - (ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or
 - (iii) Caused a deprivation of educational benefit.
- 26 *Andrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017).
- 27 For the alternate avenues, see Zirkel & McGuire, *supra* note 17.
- 28 Such aspects include the particular child, the child's parents, the district, the investigator/adjudicator, and the attorneys, if any, on each side. For impartial hearings, the Supreme Court has interpreted the IDEA as putting the burden of proof in FAPE cases on the challenging party, i.e., the parent. *Schaffer v. Weast*, 546 U.S. 49, 203 Ed.Law Rep. 29 (2005). The laws in a minority of states put this burden on the district. *E.g.*, Perry A. Zirkel, *Who Has the Burden of Persuasion in Impartial Hearings under the Individuals with Disabilities Education Act?* 13 CONN. PUB. INT. L.J. 1 (2011).
- 29 *E.g.*, *Bay Shore Union Free Sch. Dist. v. Kain*, 485 F.3d 730, 733-34, 220 Ed.Law Rep. 190 (2d Cir. 2007); *Evans v. Evans*, 818 F. Supp. 1215, 1223, 82 Ed.Law Rep. 492 (N.D. Ind. 1993).
- 30 For a specific canvassing of state statutes, which includes pending proposals, see Martha Youman & Nancy Mather, *Dyslexia Laws in the USA: A 2018 Update*, 44 PERSPECTIVES ON LANGUAGE & LITERACY 10 (Summer 2018); Fernette Edie, *Dyslexia Laws 2020*, <https://www.dyslexicadvantage.org/dyslexia-laws-2018/>; see also <https://www.dyslexia.com/state-dyslexia-laws/>. More generally, states have recently issued statutes and regulations specifying their choice for the approach for determining SLD eligibility--

permitting or prohibiting severe discrepancy and requiring or permitting RTI. *See* Zirkel & Thomas, *supra* note 21 and accompanying text.

- 31 The scope here is limited to local and state education agencies with respect to K-12 schools, not institutions of higher education. It does not extend to Wyoming's dyslexia law that its highest court held to be unconstitutional. *Powers v. State*, 318 P.3d 300, 301 Ed.Law Rep. 1029 (Wyo. 2014).
- 32 Unlike other compilations (*supra* note 30), this listing is strictly limited to effective state laws, not proposed legislation or state education agency guidance documents and differentiates, albeit only approximately, the strength of these laws.
- 33 ALA. CODE §§ 16-6G-5(b) and 16-6-5(d); ALA. ADMIN. CODE § 290-3-1-.02(19)-(20).
- 34 *Id.*
- 35 ALA. CODE § 16-6G-6(a); ALA. ADMIN. CODE § 290-3-2-.37.
- 36 ALA. CODE § 15-6G-3.
- 37 ARK. CODE ANN. § 6-41-609; ARK. ADMIN. CODE § 005.08.9-12.00; *see also id.* 005.28.3-3-1.0.
- 38 ARK. CODE ANN. § 6-41-607; ARK. ADMIN. CODE § 005.08.9-9.00. The requirement extends to a minimum of one dyslexia specialist at each education service cooperative. *Id.*
- 39 ARK. ADMIN. CODE § 005.08.9-1.00 (function) and ARK. CODE ANN. § 6-41-610; ARK. ADMIN. CODE § 005.08.9-13.00 (committee).
- 40 ARK. CODE ANN. § 6-41-608; ARK. ADMIN. CODE § 005.08.9-11.00; *see also id.* 005.28.3-4-9.0 (certification endorsement).
- 41 ARK. ADMIN. CODE § 005.08.9-14.00; *see also id.* 005.15.2 App. A (accreditation standards).
- 42 *Id.* §§ 005.08.9-4.00 and 005.08.9-5.00.
- 43 *Id.* § 005.08.9-5.00. For the scope of interventions, *see id.* § 005.08.9-7.00.
- 44 ARK. CODE ANN. § 6-41-604; ARK. ADMIN. CODE § 005.08.9-6.00
- 45 ARK. CODE ANN. § 6-41-606; ARK. ADMIN. CODE § 005.08.9-8.00.
- 46 ARK. ADMIN. CODE § 005.08.9-10.00.
- 47 IND. CODE § 20-35.5-7-2.
- 48 *Id.* § 20-35.5-6-1(a).
- 49 *Id.* § 20-35.5-7-1.
- 50 *Id.* §§ 20-35.5-2-1-20-35.5-2-6 (level I); *see also id.* §§ 20-35.5-1-5 and 20-35.5-2-4 (permits defined level II screening, which shall comply with the SEA handbook), and 20-35.5-2-8 (requires parental consent for both levels).
- 51 *Id.* §§ 20-35.5-2-7 and 20-35.5-1-3; *see also id.* § 20-35.5-4-1 (illustrative scope).
- 52 *Id.* §§ 20-35.5-6-1(a), 20-35.5-1-2, and 20-35.5-1-6; *see also id.* § 20-35.5-6-3 (possible one-year SEA waiver).
- 53 *Id.* § 20-35.5-3-1.
- 54 *Id.* § 20-35.5-5-2 (on LEA website) and 20-35.5-5-1 (to SEA).
- 55 *Id.* § 20-35.5-4-13.
- 56 *Id.* § 20-35.5-3-5 (re possible need for IDEA referral).

- 57 LA. STAT. ANN. § 17:392.2; *see also* LA. ADMIN. CODE tit. 28, Pt. CXXXI, § 349.
- 58 LA. STAT. ANN. § 17.24.11.
- 59 LA. ADMIN. CODE tit. 28, Pt. XXXV, § 501.
- 60 LA. STAT. ANN. § 392.1; LA. ADMIN. CODE tit. 28, Pt. XXXV, § 1301 and Pt. CXV, § 1123; *see also* LA. STAT. ANN. 17.2112 (earlier enacted requirement of testing upon parent or staff referral); LA. ADMIN. CODE tit. 28, Pt. XXXV, § 1305 (list of screening instruments).
- 61 LA. ADMIN. CODE tit. 28, Pt. XXXV, § 701.
- 62 LA. STAT. ANN. § 17.7(11); *see also* LA. ADMIN. CODE tit. 28, Pt. CLVII, §§ 301 (repetition) and Pt. XXXV, §§ 507 (decision process), 901 (specifications), and 1307 (materials list).
- 63 LA. ADMIN. CODE tit. 28, Pt. XXXV § 503.
- 64 *Id.* § 505.
- 65 MISS. CODE ANN. § 37-23-15 (without specified number and subject to legislative funding).
- 66 *Id.* § 37-173-15. For the relatively detailed and extensive dyslexia scholarship program, *see id.* §§ 37-173-1-37-173-29.
- 67 *Id.* § 37-173-21(2); *see also id.* 37-106-71 (forgivable loan program for IHE preparation in dyslexia therapy).
- 68 16 TEX. ADMIN CODE §§ 120.10-120.90.
- 69 TEX. (EDUC.) CODE ANN. § 21.044(b)-(c).
- 70 TEX. (EDUC.) CODE ANN. § 38.0032; *see also id.* § 21.054(b).
- 71 *Id.* § 38.003 (extends to various specified “related disorders”).
- 72 *Id.*; 19 TEX. ADMIN CODE § 74.28; *see also* TEX. (EDUC.) CODE ANN. § 28.006(c) and 29.006(g).
- 73 19 TEX. ADMIN CODE § 74.28(l)-(m).
- 74 TEX. (EDUC.) CODE ANN. § 48.009(b)(1).
- 75 *Id.* § 8.061.
- 76 *Id.* § 48.103.
- 77 *Id.* § 29.027.
- 78 *Id.* § 38.003.
- 79 *Id.* § 39.023(n).
- 80 GA. STAT. § 20-2-159.6. The screening shall extend to all kindergarten students starting in 2024-25. *Id.*
- 81 *Id.* § 20-2-208.
- 82 *Id.* § 20-2-208.1.
- 83 20-A ME. REV. STAT. § 4710-B. Additionally, Maine provides an exemption from its business tax for nonprofit organizations whose purpose is to offer literacy assistance to children with dyslexia. 36 ME. REV. STAT. § 2557.

- 84 [MO. REV. STAT. § 167.950](#). Another recent Missouri statute clarifies that the identification of dyslexia does not require an IEP unless the child meets IDEA eligibility requirements and establishes a task force to make recommendations to the legislature on a “statewide system for identification, intervention, and delivery of supports.” *Id.* § 633.420.
- 85 *Id.* § 161.825; [MO. CODE REGS. ANN. tit. 5, §§ 10-2.010-10-2.030](#) (including dyslexia therapy).
- 86 [MONT. CODE ANN. § 20-7-469](#) (including little or no cost being one of the required guidance criteria for screening).
- 87 [NEB. REV. STAT. §§ 79-11,156-79-11,158](#).
- 88 NEV. STAT. §§ 388.439-388.447; *see also id.* § 391.037 (enabling legislation for regulatory requirement for teachers and administrators); [NEV. ADMIN. CODE §§ 388.664](#) (required professional development for K-4 teachers), 388.662 (same for “learning strategist”).
- 89 NEV. STAT. § 388.441; [NEV. ADMIN. CODE § 388.420\(5\)\(c\)](#) (if confirmed indicators, specified interventions, and need for additional screening).
- 90 NEV. STAT. § 388.443; *see also id.* § 388.419(6) (IEP form).
- 91 [N.H. REV. STAT. §§ 200:58-200:62](#).
- 92 [N.J. STAT. ANN. §§ 18A:6-130-18A:6-131](#).
- 93 *Id.* § 18A:40-5.2; *see also id.* § 18A:40-5.1.
- 94 *Id.* §§ 18A:40-5.3-18A:40-5.4.
- 95 [N.M. STAT. ANN. § 22-13-32](#).
- 96 [R.I. STAT. § 16-67.2-4](#).
- 97 *Id.* § 16-67.2-5.
- 98 *Id.* § 16-67.2-2.
- 99 *Id.* §§ 16-67.2-1 and 16-67.2-3(a).
- 100 *Id.* § 16-67-2(a).
- 101 *Id.*
- 102 S.C. CODE ANN.
- 103 [TENN. CODE ANN. § 49-1-229](#). The inservice training provision does not contain the “within available resources” of a separate, earlier enacted statute. *Id.* § 49-6-3004.
- 104 [WASH. REV. CODE ANN. § 28A.300.530](#). This statute requires for this purpose “consultation with the [LEAs] that participated in the Lorraine Wojahn dyslexia pilot program, and with an international nonprofit organization dedicated to supporting efforts to provide appropriate identification of and instruction for individuals with dyslexia.” *Id.*
- 105 *Id.* § 28A.320.260; *see also id.* § 28A.320.270 (mandatory reporting).
- 106 *Id.* § 10-145(e).
- 107 *Id.* § 10-145d(i).
- 108 [CONN. GEN. STAT. § 10-3d](#).
- 109 *Id.* § 10-14t.

- 110 *Id.* § 10-220a(a).
- 111 N.D. CENT. CODE § 15.1-32-26.
- 112 OHIO REV. STAT. § 3319.80.
- 113 *Id.* § 3323.25.
- 114 OR. ADMIN. CODE §§ 584-420-0345 and 584-420-0016.
- 115 OR. REV. STAT. § 326.726.
- 116 24 PA. CONS. STAT. §§ 17-701-C-17-705-C.
- 117 ARIZ. STAT. § 15-219.
- 118 *Id.* § 15-701(A)(2)(b)(ii).
- 119 *Id.* § 15-211(B).
- 120 *Id.* § 15-249.10.
- 121 *Id.* § 15-501.1(C)(2)(b); ARIZ. ADMIN. CODE R-2-608(E)(1)(b)(ii); R-2-609(C)(1)(b)(ii), R7-2-609.01(B)(1)(b)(ii), R-2-610(C)(1)(b)(ii); R-2-611(D)(2)(b)(ii).
- 122 ARIZ. ADMIN. CODE R7-2-619(C).
- 123 ARIZ. STAT. § 15-211(C).
- 124 CAL. EDUC. CODE § 56245.
- 125 *Id.* § 56335; *see also id.* § 56337.5(c) (SEA SLD guidelines).
- 126 *Id.* § 44227.7.
- 127 *Id.* §§ 92665-92669.
- 128 COLO. ADMIN. CODE § 301-101:6.04.
- 129 COLO. REV. STAT. § 22-2-133.
- 130 FLA. ADMIN. CODE r. 6A-4.0163.
- 131 FLA. STAT. § 1012.98(b)(11).
- 132 *Id.* § 1002.39(1).
- 133 IOWA CODE § 279.68.
- 134 *Id.* § 256.16.
- 135 KY. REV. STAT. ANN. § 158.305(5)(b).
- 136 71 MASS. GEN. LAWS § 57-A.
- 137 MINN. STAT. §§ 120B.12 and 120B.122.
- 138 UTAH STAT. § 53A-15-106.
- 139 VA. CODE ANN. § 22.1-298.4.

- 140 *Id.* § 23.1-902.
- 141 *Id.* § 22.1-298.1(D)(6); 8 VA. ADMIN. CODE §§ 20-23-40(I) and 20-23-110(F) (renewal).
- 142 VA. CODE ANN. §§ 22.1-253.13:2(G).
- 143 105 Ill. Comp. Stat. Ann. 5/2-3.161(c).
- 144 23 ILL. ADMIN. CODE § 226.125.
- 145 KAN. STAT. ANN. § 72-8193.
- 146 MD. CODE ANN. (EDUC.) § 4-136(e)(2).
- 147 MICH. COMP. LAWS § 388.1635a(4)(c).
- 148 N.Y. COMP. CODES R. & REGS. tit. 8, § 52-21.
- 149 N.Y. EDUC. LAW § 305 (56).
- 150 <https://www.ncleg.gov/BillLookup/2017/H149>
- 151 OK. STAT. tit. 70, § 1210.508F.
- 152 *Id.* § 7001.
- 153 *Id.* § 6-194(F).
- 154 W. VA. CODE § 18-20-10.
- 155 WIS. STAT. § 115.28(56).
- 156 *E.g.*, Decoding Dyslexia-NJ, <http://decodingdyslexianj.org/nj-legislation/>.
- 157 An additional key issue is whether adjudicative or investigative avenues, akin to those under the IDEA and/or § 504, should be part of the enforcement framework of such state laws. For development of this issue in a related area, see, e.g., PERRY A. ZIRKEL, THE LAW ON GIFTED EDUCATION (2003) (available from the National Research Center on the Gifted and Talented at the University of Connecticut); Perry A. Zirkel, *State Laws for Gifted Education*, 27 ROEPER REV. 228 (2005).
- 158 *Janet G. v. State of Haw. Dep't of Educ.*, 410 F. Supp. 2d 958, 206 Ed.Law Rep. 624 (D. Haw. 2005) (alternatively, no allegation or evidence of discrimination based on disability).
- 159 *Campbell v. Bd. of Educ. of Centerline Sch. Dist.*, 58 Fed. Appx. 162, 174 Ed.Law Rep. 826 (6th Cir. 2003) (district's provision of Project Read, rather than Orton-Gillingham, program did not violate § 504); *Grant v. St. James Parish Sch. Bd.*, 33 IDELR ¶ 212 (E.D. La. 2000), *aff'd mem.*, 273 F.3d 1102 (5th Cir. 2001) (implementation of Louisiana's five-step process for assessment and accommodations/ interventions was not a violation of § 504 or the IDEA); *cf. Katelyn O. v. Bureau of Special Educ. Appeals*, 72 IDELR ¶ 185 (D. Mass. 2018) (cessation of tutoring services resulted in limited compensatory relief, not tuition reimbursement); *A.F. v. Espanola Pub. Sch.*, 801 F.3d 1245, 322 Ed.Law Rep. 603 (10th Cir. 2015) (IDEA mediation settlement did not satisfy the IDEA exhaustion requirement in § 504/ADA FAPE claim); *Miller v. Bd. of Educ. of Albuquerque Pub. Sch.*, 565 F.3d 1232, 244 Ed.Law Rep. 528 (10th Cir. 2009) (failure to distinguish elements of § 504/ADA claim from those of IDEA claim); *Sky R. v. Haddonfield Friends Sch.*, 67 IDELR ¶ 180 (D.N.J. 2016) (dismissing ADA suit against religiously controlled private school based on statutory exemption). *But cf. O.R. v. Clark Cty. Sch. Dist.*, 72 IDELR ¶ 4 (D. Nev. 2018) (denying dismissal of § 504 claim that district predetermined that it would not provide IEP child with dyslexia Orton-Gillingham methodology); *Myslow v. New Milford Sch. Dist.*, 2006 WL 473735 (D. Conn. Feb. 28, 2006) (preserving for trial § 504 and ADA claims that district failed to recognize and provide appropriate interventions for dyslexia, as distinct from ADHD and that this failure amounted to gross misjudgment or bad faith). The coverage here does not extend to other § 504 or IDEA claims separate from FAPE, such as peer harassment. *E.g., Sparman v. Blount Cty. Bd. of Educ.*, 68 IDELR ¶ 202 (N.D. Ala. 2016) (ruling in district's favor due to lack of deliberate indifference).

- 160 See *supra* note 20.
- 161 E.g., *William V. v. Copperas Cove Indep. Sch. Dist.*, 774 Fed. Appx. 253 (5th Cir. 2019), *on remand*, 75 IDELR ¶ 124 (W.D. Tex. 2019) (dyslexia diagnosis plus special education need qualifies student as SLD under IDEA but here harmless procedural violation due to continued services); *Lisa M. v. Leander Indep. Sch. Dist.*, 924 F.3d 205, 365 Ed.Law Rep. 769 (5th Cir. 2019) (ruling that 4th grader with dysgraphia needed special education in light of mixed evidence and sudden reversal of team's initial determination); *Michael P. v. Dep't of Educ.*, 656 F.3d 1057, 272 Ed.Law Rep. 869 (9th Cir. 2011) (ruling, in arguably limited circumstance, that requiring exclusive reliance on the severe discrepancy model of identifying SLD violated the IDEA); *Draper v. Atlanta Indep. Sch. Dist.*, 518 F.3d 1275, 230 Ed.Law Rep. 545 (11th Cir. 2008) (approving denial-of-FAPE remedy stemming from misdiagnosis); *R.Z.C. v. Northshore Sch. Dist.*, 71 IDELR ¶ 2 (W.D. Wash. 2017), *aff'd mem.*, 755 Fed. Appx. 658, 363 Ed.Law Rep. 605 (9th Cir. 2018) (ruling that the mixed evidence, including teachers' un-coached opinions, showed need for special education); *Doe v. Cape Elizabeth Sch. Dep't*, 64 IDELR ¶ 272 (D. Me. 2014), *vacating and remanding for further consideration*, 832 F.3d 69, 335 Ed.Law Rep. 21 (1st Cir. 2016) (initially ruling that child was no longer eligible as SLD but remanded due to failure to more carefully evaluate alleged deficiency in reading fluency and the need for special education); *T.W. v. Leander Indep. Sch. Dist.*, 74 IDELR ¶ 12 (W.D. Tex. 2019) (ruling that high school student with dyslexia and a 504 plan did not qualify as needing special education under IDEA); *M.B. v. S. Orange-Maplewood Bd. of Educ.*, 55 IDELR ¶ 18 (D.N.J. 2010) (ruling in favor of continued eligibility based on district's reliance on single tool for severe discrepancy); *J.P. v. Anchorage Sch. Dist.*, 260 P.3d 285, 271 Ed.Law Rep. 1077 (Alaska 2011) (ruling that the child was ineligible but that the parents were entitled to reimbursement of their independent educational evaluation); *Maus v. Wappingers Cent. Sch. Dist.*, 688 F. Supp. 2d 282, 256 Ed.Law Rep. 234 (S.D.N.Y. 2010) (ruling that student with dysgraphia and other diagnoses did not require special education);
cf. Avila v. Spokane Sch. Dist., 686 Fed. Appx. 384 (9th Cir. 2017) (affirming ruling that district's evaluation covered all areas of suspected disability, here reading fluency inter alia even though not dyslexia subtests); *Meridian Joint Sch. Dist. No. 2 v. D.A.*, 792 F.3d 1054, 320 Ed.Law Rep. 8 (9th Cir. 2015) (ruling that parents were not entitled to attorneys' fees because although they obtained IEE at public expense the student with possible dyslexia and dysgraphia was not eligible under the IDEA); *L.C. v. Issaquah Sch. Dist.*, 74 IDELR ¶ 132 (W.D. Wash. 2019) (ruling that evaluation determining child's eligibility as SLD need not specifically assess dyslexia); *Avaras v. Clarkstown Cent. Sch. Dist.*, 73 IDELR ¶ 50 (S.D.N.Y. 2018) (finding child find violation for year preceding the student's IEP); *R.M.M. v. Minn. Pub. Sch.*, 70 IDELR ¶ 64 (D. Minn. 2017) (ruling that district violated child find for student in private school); *V.M. v. Sparta Twp. Bd. of Educ.*, 63 IDELR ¶ 184 (D.N.J. 2014) (ruling that SLD evaluation of student with dyslexia was procedural error); *Kathryn F. v. W. Chester Area Sch. Dist.*, 62 IDELR ¶ 177 (E.D. Pa. 2013) (ruling that failure to diagnose dyslexia of eligible child did not constitute denial of FAPE).
- 162 See *supra* notes 25-26 and accompanying text.
- 163 Compare *W.D. v. Watchung Hills Reg'l High Sch. Bd. of Educ.*, 602 Fed. Appx. 563, 317 Ed.Law Rep. 596 (3d Cir. 2015); *W.R. v. Union Beach Bd. of Educ.*, 414 Fed. Appx. 499, 267 Ed.Law Rep. 550 (3d Cir. 2011); *C.H. v. Cape Henlopen Sch. Dist.*, 606 F.3d 59, 257 Ed.Law Rep. 39 (3d Cir. 2010); *A.V. v. Lemon Grove Sch. Dist.*, 69 IDELR ¶ 155 (S.D. Cal. 2017) (in district's favor), with *Dallas Indep. Sch. Dist. v. Woody*, 178 F. Supp. 3d 443, 336 Ed.Law Rep. 786 (N.D. Tex. 2016), *aff'd in part and rev'd in part*, 865 F.3d 303, 345 Ed.Law Rep. 666 (5th Cir. 2017) (parent's favor but successively reduced reimbursement); *Davis v. Wappingers Cent. Sch. Dist.*, 431 Fed. Appx. 12, 271 Ed.Law Rep. 814 (2d Cir. 2011) (in parent's favor but lost at next step of tuition reimbursement analysis).
- 164 Compare *K.D. v. Downingtown Area Sch. Dist.*, 904 F.3d 248, 358 Ed.Law Rep. 98 (3d Cir. 2018); *Bougades v. Pine Plains Cent. Sch. Dist.*, 376 Fed. Appx. 95, 259 Ed.Law Rep. 483 (2d Cir. 2010); *Fairfax Cty. Sch. Bd. v. Knight*, 261 Fed. Appx. 606, 231 Ed. Law Rep. 697 (4th Cir. 2008); *Grim v. Rhinebeck Cent. Sch. Dist.*, 346 F.3d 377, 181 Ed.Law Rep. 370 (2d Cir. 2003); *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 141 Ed.Law Rep. 62 (5th Cir. 2000); *E.S. v. Indep. Sch. Dist.*, 135 F.3d 566, 123 Ed.Law Rep. 1083 (8th Cir. 1998); *Landau v. Long Beach Unified Sch. Dist.*, 947 F.2d 950 (9th Cir. 1991); *Amanda P. v. Copperas Cove Indep. Sch. Dist.*, 76 IDELR ¶ 154 (W.D. Tex. 2020); *Perkiomen Valley Sch. Dist. v. S.D.*, 405 F.Supp.3d 620, 372 Ed.Law Rep. 264 (E.D. Pa. 2019); *R. F. v. S. Lehigh Sch. Dist.*, 74 IDELR ¶ 292 (E.D. Pa. 2019); *Mr. and Mrs. R. v. York Sch. Dep't*, 2019 WL 2245014 (D. Me. May 24, 2019); *Candi M. v. Riesel Indep. Sch. Dist.*, 379 F. Supp. 3d 570, 367 Ed.Law Rep. 282 (W.D. Tex. 2019); *Matthews v. Douglas Cty. Sch. Dist.*, 73 IDELR ¶ 42 (D. Colo. 2018); *Avaras v. Clarkstown Cent. Sch. Dist.*, 73 IDELR ¶ 50 (S.D.N.Y. 2018); *S.M. v. Arlotto*, 73 IDELR ¶ 74 (D. Md. 2018); *Rosaria v. Madison Cty. Bd. of Educ.*, 325 F.R.D. 429, 355 Ed.Law Rep. 1081 (N.D. Ala. 2018); *Avaras v. Clarkstown Cent. Sch. Dist.*, 70 IDELR ¶ 129 (S.D.N.Y. 2017) (based on *Andrew F.*); *Genn v. New Haven Bd. of Educ.*, 219 F.Supp.3d 296, 342 Ed.Law Rep 971 (D. Conn. 2016); *A.G. v. Bd. of Educ.*, 69 IDELR ¶ 210 (S.D.N.Y. 2017) (based on *Andrew F.* and PRR); *A.M. v. Lemon Grove Sch. Dist.*, 69 IDELR ¶ 155 (S.D. Cal. 2017); *Bohn v. Cedar Rapids Cmty. Sch. Dist.*, 69 IDELR ¶ 8 (N.D. Iowa 2016); *Wood v. Katy Indep. Sch. Dist.*, 163 F. Supp. 3d 396, 334 Ed.Law Rep.

98 (S.D. Tex. 2015); *J.N. v. S. Western Sch. Dist.*, 66 IDELR ¶ 102 (M.D. Pa. 2015); *W.W. v. N.Y.C. Dep't of Educ.*, 63 IDELR ¶ 66 (S.D.N.Y. 2014); *Dawn G. v. Mabank Indep. Sch. Dist.*, 63 IDELR ¶ 63 (N.D. Tex. 2014); *T.E. v. Cumberland Valley Sch. Dist.*, 62 IDELR ¶ 204 (M.D. Pa. 2014); *S.A. v. Weast*, 898 F. Supp. 2d 869, 291 Ed.Law Rep. 241 (D. Md. 2012); *Ganje v. Depew Union Free Sch. Dist.*, 60 IDELR ¶ 43, *adopted*, 60 IDELR ¶ 74 (W.D.N.Y. 2012); *C.H. v. Nw. Indep. Sch. Dist.*, 815 F. Supp. 2d 977, 277 Ed.Law Rep. 268 (E.D. Tex. 2011); *Hailey M. v. Matayoshi*, 57 IDELR ¶ 124 (D. Haw. 2011); *D.G. v. Cooperstown Cent. Sch. Dist.*, 746 F. Supp. 2d 435, 265 Ed.Law Rep. 154 (N.D.N.Y. 2010); *C.B. v. Pittsford Cent. Sch. Dist.*, 54 IDELR ¶ 149 (W.D.N.Y. 2010); *Schreiber v. E. Ramapo Cent. Sch. Dist.*, 700 F. Supp. 2d 529, 258 Ed.Law Rep. 231 (S.D.N.Y. 2010); *High v. Exeter Twp. Sch. Dist.*, 54 IDELR ¶ 17 (E.D. Pa. 2010); *Viola v. Arlington Cent. Sch. Dist.*, 414 F. Supp. 2d 366 (S.D.N.Y. 2006); *Casey K. v. St. Anne Cmty. High Sch. Dist. No. 302*, 46 IDELR ¶ 102 (C.D. Ill. 2006); *Robinson v. Council Rock Sch. Dist.*, 46 IDELR ¶ 38 (E.D. Pa. 2006); *Antonaccio v. Arlington Cent. Sch. Dist.*, 281 F. Supp. 2d 710, 181 Ed.Law Rep. 584 (S.D.N.Y. 2003); *Banks v. Danbury Bd. of Educ.*, 238 F. Supp. 2d 428 (D. Conn. 2002); *M.B. v. Arlington Cent. Sch. Dist.*, 36 IDELR ¶ 130 (S.D.N.Y. 2002); *Nein v. Greater Clark Cty Sch. Corp.*, 95 F. Supp. 2d 961, 144 Ed.Law Rep. 214 (S.D. Ind. 2000); *Wall v. Mattituck-Cutchogue Sch. Dist.*, 945 F. Supp. 501, 114 Ed.Law Rep. 834 (S.D.N.Y. 1996); *Porter v. Ill. State Bd. of Educ.*, 6 N.E.3d 424, 303 Ed.Law Rep. 476 (Ill. Ct. App. 2014); *cf. Weston v. Kansas City Mo. Sch. Dist.*, 57 IDELR ¶ 284 (W.D. Mo. 2011) (possible dyslexia) (in district's favor), *with A.N. v. Bd. of Educ. of Iroquois Cent. Sch. Dist.*, 801 Fed.Appx. 35 (2d Cir. 2020); *C.B. v. Special Sch. Dist. No. 1*, 636 F.3d 981, 266 Ed.Law Rep. 71 (8th Cir. 2010); *R.N. v. Bd. of Educ. of Iroquois Cent. Sch. Dist.*, 74 IDELR ¶ 163 (W.D.N.Y.2019); *I.S. v. Sch. Town of Munster*, 64 IDELR ¶ 40 (S.D. Ind. 2014); *J.M. v. Morris Sch. Dist. Bd. of Educ.*, 58 IDELR ¶ 48 (D.N.J. 2011); *D.B. v. Bedford Sch. Dist.*, 708 F. Supp. 2d 564, 259 Ed.Law Rep. 608 (W.D. Va. 2010); *Fisher v. Bd. of Educ. of Christina Sch. Dist.*, 856 A.2d 552, 191 Ed.Law Rep. 825 (Del. 2004); *Straube v. Fla. Union Free Sch. Dist.*, 801 F. Supp. 1164, 78 Ed.Law Rep. 390 (S.D.N.Y. 1992); *cf. Special Sch. Dist. No. 1 v. R.M.M.*, 861 F.3d 769, 344 Ed.Law Rep. 766 (8th Cir. 2017) (private school student's right to FAPE under state law); *M.M. v. Lafayette Sch. Dist.*, 767 F.3d 842, 309 Ed.Law Rep. 155 (9th Cir. 2014); *Nicholas A. v. Norristown Area Sch. Dist.*, 69 IDELR ¶ 118 (E.D. Pa. 2017); *K.A.B. v. Downingtown Area Sch. Dist.*, 61 IDELR ¶ 159 (E.D. Pa. 2013); *I.T. v. Dep't of Educ.*, 59 IDELR ¶ 219 (D. Haw. 2012) (in limited part); *Flowers v. Martinez*, 19 IDELR ¶ 898 (N.D. Cal. 1993) (inconclusively) (in parent's favor).

165

Compare A.A. v. Northside Indep. Sch. Dist., 951 F.3d 678, 375 Ed.Law Rep. 1 (5th Cir. 2020); *G.M. v. Drycreek Joint Elementary Sch. Dist.*, 595 Fed. Appx. 698, 315 Ed.Law Rep. 88 (9th Cir. 2014); *G.N. v. Bd. of Educ. of Twp. of Livingston*, 309 Fed. Appx. 542, 243 Ed.Law Rep. 635 (3d Cir. 2009); *Cerra v. Pawling Cent. Sch. Dist.*, 427 F.3d 186, 202 Ed.Law Rep. 617 (2d Cir. 2005); *Cronkite v. Long Beach Unified Sch. Dist.*, 30 IDELR 510 (9th Cir. 1999); *Perkiomen Valley Sch. Dist. v. S.D.*, 405 F. Supp. 3d 620, 372 Ed.Law Rep. 264 (E.D. Pa. 2019); *C.B. v. Smith*, 74 IDELR ¶ 230 (D. Md. 2019); *L.C. v. Issaquah Sch. Dist.*, 74 IDELR ¶ 132 (W.D. Wash. 2019); *Y.N. v. Bd. of Educ. of Harrison Cent. Sch. Dist.*, 73 IDELR ¶ 73 (S.D.N.Y. 2018); *Genn v. New Haven Bd. of Educ.*, 219 F. Supp. 3d 296, 342 Ed.Law Rep. 971 (D. Conn. 2016); *J.D. v. N.Y.C. Dep't of Educ.*, 66 IDELR ¶ 219 (S.D.N.Y. 2015); *C.P. v. Krum Indep. Sch. Dist.*, 64 IDELR ¶ 78 (E.D. Tex. 2015); *W.W. v. N.Y.C. Dep't of Educ.*, 63 IDELR ¶ 33 (S.D.N.Y. 2014); *Kathryn F. v. W. Chester Area Sch. Dist.*, 62 IDELR ¶ 177 (E.D. Pa. 2013); *D.A. v. Fairfield-Suisun Unified Sch. Dist.*, 62 IDELR ¶ 17 (E.D. Cal. 2013); *K.K. v. Alta Loma Sch. Dist.*, 60 IDELR ¶ 159 (C.D. Cal. 2013); *DiRocco v. Bd. of Educ. of Beacon Cty. Sch. Dist.*, 60 IDELR ¶ 99 (S.D.N.Y. 2013); *Nickerson-Reti v. Lexington Pub. Sch.*, 893 F. Supp. 2d 276, 290 Ed.Law Rep. 79 (D. Mass. 2012); *Dzugas-Smith v. Southold Union Free Sch. Dist.*, 59 IDELR ¶ 8 (E.D.N.Y. 2012); *J.D. v. Crown Point Sch. Corp.*, 58 IDELR ¶ 125 (N.D. Ind. 2012); *R.J. v. Keller Indep. Sch. Dist.*, 2011 WL 13233497 (N.D. Tex. Sept. 11, 2011); *C.H. v. Nw. Indep. Sch. Dist.* 815 F. Supp. 2d 977, 277 Ed.Law Rep. 268 (E.D. Tex. 2011); *M.F. v. Irvington Union Free Sch. Dist.*, 719 F. Supp. 2d 302, 261 Ed.Law Rep. 601 (S.D.N.Y. 2010); *J.G. v. Briarcliff Manor Union Free Sch. Dist.*, 682 F. Supp. 2d 387, 255 Ed.Law Rep. 647 (S.D.N.Y. 2010); *James D. v. Bd. of Educ. of Aptakasic-Tripp Cmty. Consol. Sch. Dist.*, 642 F. Supp. 2d 804, 250 Ed.Law Rep. 194 (N.D. Ill. 2009); *Gavriety v. New Lebanon Cent. Sch. Dist.*, 53 IDELR ¶ 152 (N.D.N.Y. 2009); *Pierce v. Mason Cty. Sch. Dist. Bd. of Educ.*, 48 IDELR ¶ 7 (S.D. Ohio 2007); *Schroll v. Bd. of Educ. of Champaign Cmty. Unit Sch. Dist.*, 48 IDELR ¶ 155 (C.D. Ill. 2007); *Livingston v. DeSoto Cty. Sch. Dist.*, 782 F. Supp. 1173, 72 Ed.Law Rep. 790 (N.D. Miss. 1992); *Porter v. Ill. State Bd. of Educ.*, 6 N.E.3d 424, 303 Ed. Law Rep. 476 (Ill. Ct. App. 2013) (in district's favor), *with Hall v. Vance Cty. Bd. of Educ.*, 774 F.2d 629, 27 Ed.Law Rep. 1107 (4th Cir. 1985); *Preciado v. Bd. of Educ. of Clovis Mun. Sch.*, 76 IDELR ¶ 67 (D.N.M. 2020); *Bd. of Educ. of Uniondale Union Free Sch. Dist. v. J.P.*, 2019 WL 4315975, *adopted*, 75 IDELR ¶ 98 (E.D.N.Y. 2019); *A.W. v. Bd. of Educ. of Wallkill Cent. Sch. Dist.*, 68 IDELR ¶ 164 (N.D.N.Y. 2016); *T.O. v. Summit City Bd. of Educ.*, 66 IDELR ¶ 16 (D.N.J. 2015); *Evans v. Bd. of Educ. of Rhinebeck Cent. Sch. Dist.*, 930 F. Supp. 83, 111 Ed.Law Rep 200 (S.D.N.Y. 1996) (in parent's favor).

166

E.g., H.C. v. Katonah/Lewisboro Union Free Sch. Dist., 528 Fed. Appx. 64, 298 Ed.Law Rep. 129 (2d Cir. 2013); *Matrejek v. Brewster Cent. Sch. Dist.*, 293 Fed. Appx. 20, 239 Ed.Law Rep. 344 (2d Cir. 2008); *Fairfax Cty. Sch. Bd. v. Knight*, 261 Fed.Appx. 606, 231 Ed.Law Rep. 697 (4th Cir. 2008); *James v. Upper Arlington Cty. Sch. Dist.*, 228 F.3d 764, 147 Ed.Law Rep. 840 (6th Cir. 2000); *Davis v. Wappingers Cent. Sch. Dist.*, 431 Fed. Appx. 12, 271 Ed.Law Rep. 814 (2d Cir. 2011); *Grim v. Rhinebeck Cent. Sch. Dist.*,

346 F.3d 377, 181 Ed.Law Rep. 370 (2d Cir. 2003); *A.W. v. Bd. of Educ. of Wallkill Cent. Sch. Dist.*, 68 IDELR ¶ 164 (N.D.N.Y. 2016); *B.C. v. Pine Plains Cent. Sch. Dist.*, 971 F. Supp. 2d 356, 302 Ed.Law Rep. 1078 (S.D.N.Y. 2013); *Scarsdale Union Free Sch. Dist. v. R.C.*, 60 IDELR ¶ 195 (S.D.N.Y. 2013); *DiRocco v. Bd. of Educ. of Beacon City. Sch. Dist.*, 60 IDELR ¶ 99 (S.D.N.Y. 2013); *R.S. v. Lakeland Cent. Sch. Dist.*, 56 IDELR ¶ 211 (S.D.N.Y. 2011); *Wood v. Kingston Sch. Dist.*, 55 IDELR ¶ 132 (N.D.N.Y. 2010); *Gavriety v. New Lebanon Cent. Sch. Dist.*, 53 IDELR ¶ 152 (N.D.N.Y. 2009); *Viola v. Arlington Cent. Sch. Dist.*, 414 F. Supp. 2d 366 (S.D.N.Y. 2006); *Carmel Cent. Sch. Dist. v. V.P.*, 373 F. Supp. 2d 402, 199 Ed.Law Rep. 666 (S.D.N.Y. 2005); *Banks v. Danbury Bd. of Educ.*, 238 F. Supp. 2d 428 (D. Conn. 2002); *Arlington Cent. Sch. Dist. v. D.K.*, 37 IDELR ¶ 277 (S.D.N.Y. 2002); *M.B. v. Arlington Cent. Sch. Dist.*, 36 ¶ 130 (S.D.N.Y. 2002); *Straube v. Fla. Union Free Sch. Dist.*, 801 F. Supp. 1164, 78 Ed.Law Rep. 390 (S.D.N.Y. 1992) (Kildonan); *C.H. v. Cape Henlopen Sch. Dist.*, 606 F.3d 59, 257 Ed.Law Rep. 39 (3d Cir. 2010); *D.G. v. Cooperstown Cent. Sch. Dist.*, 746 F. Supp. 2d 435, 265 Ed.Law Rep. 154 (N.D.N.Y. 2010); *C.B. v. Pittsford Cent. Sch. Dist.*, 54 IDELR ¶ 149 (W.D.N.Y. 2010); *Cty. Sch. Dist. v. Darlene S.*, 45 IDELR ¶ 90 (W.D.N.Y. 2006); *R.N. v. Bd. of Educ. of Iroquois Cent. Sch. Dist.*, 74 IDELR ¶ 163 (W.D.N.Y. 2019); *Cerra v. Pawling Cent. Sch. Dist.*, 427 F.3d 186, 202 Ed.Law Rep. 617 (2d Cir. 2005); *Linda W. v. Ind. Dep't of Educ.*, 200 F.3d 504, 141 Ed.Law Rep. 86 (7th Cir. 1999); *Wall v. Mattituck-Cutchogue Sch. Dist.*, 945 F. Supp. 501, 114 Ed.Law Rep. 834 (S.D.N.Y. 1996) (Landmark); *Landau v. Long Beach Unified Sch. Dist.*, 947 F.2d 950 (9th Cir. 1991) (Landmark-summer only); *Hall v. Vance Cty. Bd. of Educ.*, 774 F.2d 629, 27 Ed.Law Rep. 1107 (4th Cir. 1985) (Oakland); *Conklin v. Anne Arundel Sch. Dist.*, 946 F.2d 306, 70 Ed.Law Rep. 351 (3d Cir. 1991) (Oakland and Summit); *C.B. v. Special Sch. Dist. No. 1*, 636 F.3d 981 (8th Cir. 2011) (Groves); *J.G. v. Briarcliff Manor Union Free Sch. Dist.*, 682 F. Supp. 2d 387, 255 Ed.Law Rep. 647 (S.D.N.Y. 2010) (Windward); *A.N. v. Bd. of Educ. of Iroquois Cent. Sch. Dist.*, 801 Fed.Appx. 35 (2d Cir. 2020); *Ganje v. Depew Union Free Sch. Dist.*, 60 IDELR ¶ 43, *adopted*, 60 IDELR ¶ 74 (W.D.N.Y. 2012) (Gow); *Dallas Indep. Sch. Dist. v. Woody*, 178 F. Supp. 3d 443, 336 Ed.Law Rep. 786 (N.D. Tex. 2016) *aff'd in part and rev'd in part*, 865 F.3d 303, 345 Ed.Law Rep. 666 (5th Cir. 2017); *J.M. v. Morris Sch. Dist. Bd. of Educ.*, 58 IDELR ¶ 48 (D.N.J. 2011) (Winston); *D.B. v. Bedford Sch. Dist.*, 708 F. Supp. 2d 564, 259 Ed.Law Rep. 608 (W.D. Va. 2010) (Vistas); *James D. v. Bd. of Educ. of Aptakasic-Tripp Cmty. Consol. Sch. Dist.*, 642 F. Supp. 2d 804, 250 Ed.Law Rep. 194 (N.D. Ill. 2009) (Hyde Park); *Pierce v. Mason City Sch. Dist. Bd. of Educ.*, 48 IDELR ¶ 7 (S.D. Ohio 2007) (Trinity); *Wood v. Katy Indep. Sch. Dist.*, 163 F. Supp. 3d 396, 334 Ed.Law Rep. 98 (S.D. Tex. 2015); *Antonaccio v. Arlington Cent. Sch. Dist.*, 281 F. Supp. 2d 710, 181 Ed.Law Rep. 584 (S.D.N.Y. 2003) (Pine Ridge); *C.B. v. Smith*, 74 IDELR ¶ 230 (D. Md. 2019) (Lab School); *Livingston v. DeSoto Cty. Sch. Dist.*, 782 F. Supp. 1173, 72 Ed.Law Rep. 790 (N.D. Miss. 1992) (Bodine); *cf. Hailey M. v. Matayoshi*, 57 IDELR ¶ 124 (D. Haw. 2011) (Lindamood Bell clinic); *Bougades v. Pine Plains Cent. Sch. Dist.*, 376 Fed. Appx. 95, 259 Ed.Law Rep. 483 (2d Cir. 2010) (school not named); *Q.C.-C. v. D.C.*, 164 F. Supp. 3d 35, 334 Ed.Law Rep. 194 (D.D.C. 2016) (Lab School--extending to prospective placement). The courts granted tuition reimbursement in relatively few of all these cases--*A.N. v. Bd. of Educ. of Iroquois Cent. Sch. Dist.*, *C.B. v. Special Sch. Dist.*, *Hall v. Vance Cty. Bd. of Educ.*; *R.N. v. Bd. of Educ. of Iroquois Cent. Sch. Dist.*; *Bd. of Educ. of Uniondale Free Sch. Dist. v. J.P.*; *D.B. v. Bedford Sch. Dist.*; *Cty. Sch. Dist. v. Darlene S.*; *cf. Wood v. Kingston Sch. Dist.* (90%); *Nicholas A. v. Norristown Area Sch. Dist.* (one of two years).

- 167 *E.g.*, *B.E.L. v. State of Haw. Dep't of Educ.*, 711 Fed. Appx. 426 (9th Cir. 2018); *Gillette v. Fairland Bd. of Educ.*, 932 F.3d 551, 67 Ed.Law Rep. 510 (6th Cir. 1991); *Douglas W. v. Greenfield Pub. Sch.*, 164 F. Supp. 2d 157, 157 Ed.Law Rep. 648 (D. Mass. 2001).
- 168 Tessie E. Rose & Perry A. Zirkel, *Orton-Gillingham Methodology for Students with Reading Disabilities*, 41 J. SPECIAL EDUC. 171 (2007). However, the selection criterion was a broad definition of Orton-Gillingham methods rather than a student identified with dyslexia.
- 169 *Id.* This deference started with the Supreme Court's dicta in *Board of Education v. Rowley*, 458 U.S. at 207, reasoning that courts should leave the choice of "educational method ... to state and local educational agencies."
- 170 *E.g.*, *A.W. v. Jersey City Pub. Sch.*, 486 F.3d 791, 220 Ed.Law Rep. 502 (3d Cir. 2007); *G.M. v. Dry Creek Joint Elementary Sch. Dist.*, 595 Fed. Appx. 698, 315 Ed.Law Rep. 88 (9th Cir. 2014).
- 171 *E.g.*, *B.D.S. v. Southold Union Free Sch. Dist.*, 52 IDELR ¶ 293 (S.D.N.Y. 2009).
- 172 *E.g.*, *I.W. v. Sch. Dist. of Phila.*, 67 IDELR ¶ 14 (E.D. Pa. 2016); *A.P. v. N. Burlington Cty. Reg'l Bd. of Educ.*, 54 IDELR ¶ 322 (D.N.J. 2010); *Nicholas M. v. Dep't of Educ.*, 53 IDELR ¶ 19 (D. Haw. 2010); *Dzugas-Smith v. Southold Union Free Sch. Dist.*, 55 IDELR ¶ 135 (E.D.N.Y. 2010); *Myslow v. Avery*, 40 IDELR ¶ 123 (D. Conn. 2003).
- 173 *E.g.*, *Ron J. v. McKinney Indep. Sch. Dist.*, 45 IDELR ¶ 9 (E.D. Tex. 2005), *further proceedings*, 2006 WL 3099449 (E.D. Tex. Oct. 30, 2006).

- 174 Among the additional or alternative avenues of legal recourse is funding legislation. *E.g.*, <http://www.interdys.org/LEARNact.htm>. Of course, informal action, emphasizing collaboration, trust, and professional norms, is another, less restrictive option.
- 175 *E.g.*, *Wood v. Katy Indep. Sch. Dist.*, 163 F. Supp. 3d 396, 334 Ed.Law Rep. 98 (S.D. Tex. 2015) (ruled that the Texas Dyslexia Act does not provide a private right of action and does not relate to special education); *Myslow v. New Milford Sch. Dist.*, 2006 WL 473735 (D. Conn. Feb. 28, 2006) (rejection of parents' negligence and intentional-tort claims); *D.S.W. v. Fairbanks N. Star Borough Sch. Dist.*, 628 P.2d 554 (Alaska 1981) (rejecting claim of negligent identification and interventions); *Sch. Dist. of Pittsburgh v. Provident Charter Sch. for Children with Dyslexia*, 134 A.3d 128, 329 Ed. Law Rep. 949 (Pa. Commw. 2016) (approving the charter, despite a local district's objection, of a charter school for students with dyslexia); *cf. Sauers v. Winston Salem Forsyth Cty. Sch. Bd.*, 179 F. Supp. 3d 544, 336 Ed.Law Rep. 939 (M.D.N.C. 2016) (rejecting various constitutional and common law claims, except negligent infliction of emotional distress, of high school student with dyslexia who allegedly was subjected to bullying).

375 WELR 608

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