

Prior Written Notice (PWN) Requirements When a School District Refuses an Evidence-Based Methodology for Dyslexia

I. Mandatory Elements of a Legally Compliant Prior Written Notice (34 C.F.R. § 300.503)

When a school district refuses to provide a specific, evidence-based instructional methodology for a student with dyslexia, the Prior Written Notice (PWN) **must** include all of the following elements. Omission or vague language constitutes a procedural violation of IDEA.

1. Clear Description of the Refused Action

The district must explicitly identify: - The **specific methodology or program requested** (by name), and - That the district is **refusing** to implement it.

General references to “reading instruction” or “interventions” are insufficient.

2. Detailed, Child-Specific Explanation of the Refusal

The PWN must explain **why** the district is refusing the requested methodology. This explanation must: - Be individualized to the student - Address the student’s identified dyslexia and documented skill deficits - Be supported by educational reasoning, not district policy or preference

Statements such as “the district does not prescribe methodology” or “the student is making progress” without data are legally inadequate.

3. Description of Each Evaluation, Assessment, or Data Source Used

The district must list **all data relied upon**, including: - Formal evaluations and diagnostic assessments - Progress-monitoring tools and results - Benchmark and outcome data - Observation data - Fidelity-of-implementation data (if claiming success of an alternative intervention)

Each data source should include dates, measures used, and results.

4. Statement of Procedural Safeguards

The PWN must: - State that parents have protections under IDEA, and - Explain how parents may obtain a copy of the Procedural Safeguards Notice

5. Options Considered and Reasons for Rejection

The district must describe: - **All instructional options considered**, including evidence-based dyslexia methodologies, and - **Why each option was rejected**

Failure to document consideration of Structured Literacy-based approaches is a substantive defect.

6. Other Factors Relevant to the Refusal

Any additional factors influencing the decision must be disclosed, including: - Staffing availability - Training limitations - Cost considerations - Scheduling or resource constraints

Such factors may not be used to deny FAPE but must be transparently identified.

II. Parent Side-by-Side Checklist for Reviewing a PWN Refusal

Parents should be able to answer **YES** to every item below. Any **NO** indicates a violation or weakness.

Requirement	YES / NO
The refused methodology is named explicitly	
The explanation is individualized to the child	
Dyslexia-specific deficits are addressed	
Research or evidence is cited	
All evaluations and data sources are listed	
Progress data shows gap-closing progress	
Instructor qualifications are described	
Alternative methodologies were considered	
Reasons for rejecting alternatives are explained	
Procedural safeguards are clearly stated	
Non-educational factors (staffing/cost) are disclosed	

III. Alignment With Supreme Court, Federal Guidance, and Dyslexia Case Law

A. Endrew F. v. Douglas County School District (2017)

The Supreme Court held that an IEP must be **reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances**.

For students with dyslexia, this requires: - Instruction that directly targets phonological awareness, decoding, encoding, and fluency deficits - Progress that is **meaningful**, not merely trivial or incremental

A PWN that relies on "some progress" without demonstrating gap-closing growth fails the Endrew F. standard.

B. OSERS / OSEP Guidance

Federal guidance from the Office of Special Education and Rehabilitative Services (OSERS) clarifies that: - Methodology decisions must be individualized - Districts may not refuse a methodology solely based on policy, availability, or cost - Specially designed instruction must address the **unique needs** arising from the disability

When dyslexia is identified, instruction must align with the science of reading and the student's documented deficits.

C. Dyslexia-Related Case Law Principles

Courts consistently find violations where districts: - Use generic interventions not designed for dyslexia - Fail to train instructors in evidence-based reading instruction - Ignore lack of meaningful progress over time - Substitute administrative convenience for educational necessity

Key legal principle: **A district may choose methodology only when its chosen method is proven effective for the child.**

IV. Practical Legal Standard for Parents

A refusal to provide an evidence-based dyslexia methodology is lawful **only if** the district can prove, in writing, that: 1. The student is receiving specially designed instruction; 2. The instruction is evidence-based for dyslexia; 3. It is delivered by appropriately trained personnel; and 4. It is reasonably calculated to produce meaningful progress.

If the PWN does not establish all four elements, the refusal is legally vulnerable.