

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

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## **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.

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## **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	

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## **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.**

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## **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.