

Educational Equity for Dyslexic Students

Leveraging a watershed MN court case to drive change

Overview

- Dyslexic family from Minnetonka, MN
- A typical dyslexic student's story
- Attributes of a broken public-school system
- MLK vs. Minnetonka Public Schools ISD#276
- Federal Law and relevant Supreme Court Decisions
- Leverage this MN court case to drive change
- Create equity for ALL dyslexic students

MLK and his family reside in the Minnetonka School District.

MLK is currently is a rising 5th grader

- Reads at a 2nd grade level, despite average IQ

His sister excels academically in high school

- Able to access a variety of school sponsored programs

Parents are educated, resourceful and principled

- Want to empower other dyslexic families

District markets themselves as the best in the state

- Judge found that Minnetonka's assertions are not consistent with their actions

MLK vs. Minnetonka is a watershed case for dyslexia

- Leverage this MN case to drive change

The same sad story ...

- Early indicators that the child is at risk for dyslexia
- School urges the family to “trust them” and that “they are the educational experts”
- Family suffers, becomes aware, advocates, engages in conflict and compromise
- Student, despite hard work and average intelligence, continues to struggle and cannot read at grade level
- Family hires private tutors, advocates, and experts
- Exhausted and defeated, the family arrives at a crossroad
- Those who have the stamina and finances, consider legal options or expensive private schools
- Student outcomes vary depending on the services received

The system
is broken
for dyslexic
children.

Having dyslexia in a public school is ...

- Frustrating and demoralizing
- Emotionally draining
- Financially expensive, even prohibitive
- Time consuming
- Steep learning curve
- Hard on friendships and relationships
- Exhausting and requires stamina
- Cause for mental health issues

Timeline of MLK's dyslexia journey

2013 Pre-school urged parents to seek evaluation by the school

2014-15 Evaluation and re-evaluation both contained data indicating dyslexia, yet appropriate interventions were delayed

2014-19 Parents sought private OT, speech and reading services

2015-18 Hodge-podge of balanced literacy reading interventions over a 4-year period yielded little to no progress

2019 Parents requested mediation and a facilitated team meeting via the Dept. of Education – the school district refused

2019 Dept. of Education investigated and only found the school district in violation of a minor procedural error in the IEP process

2019 Parents commissioned an IEE after the school refused

2019-20 Parents hired a special education attorney to exercise their due process rights, prevailing with a court order

2020 The school district is appealing the court ruling

School districts
strategically
navigate legal
responsibilities
and timelines.

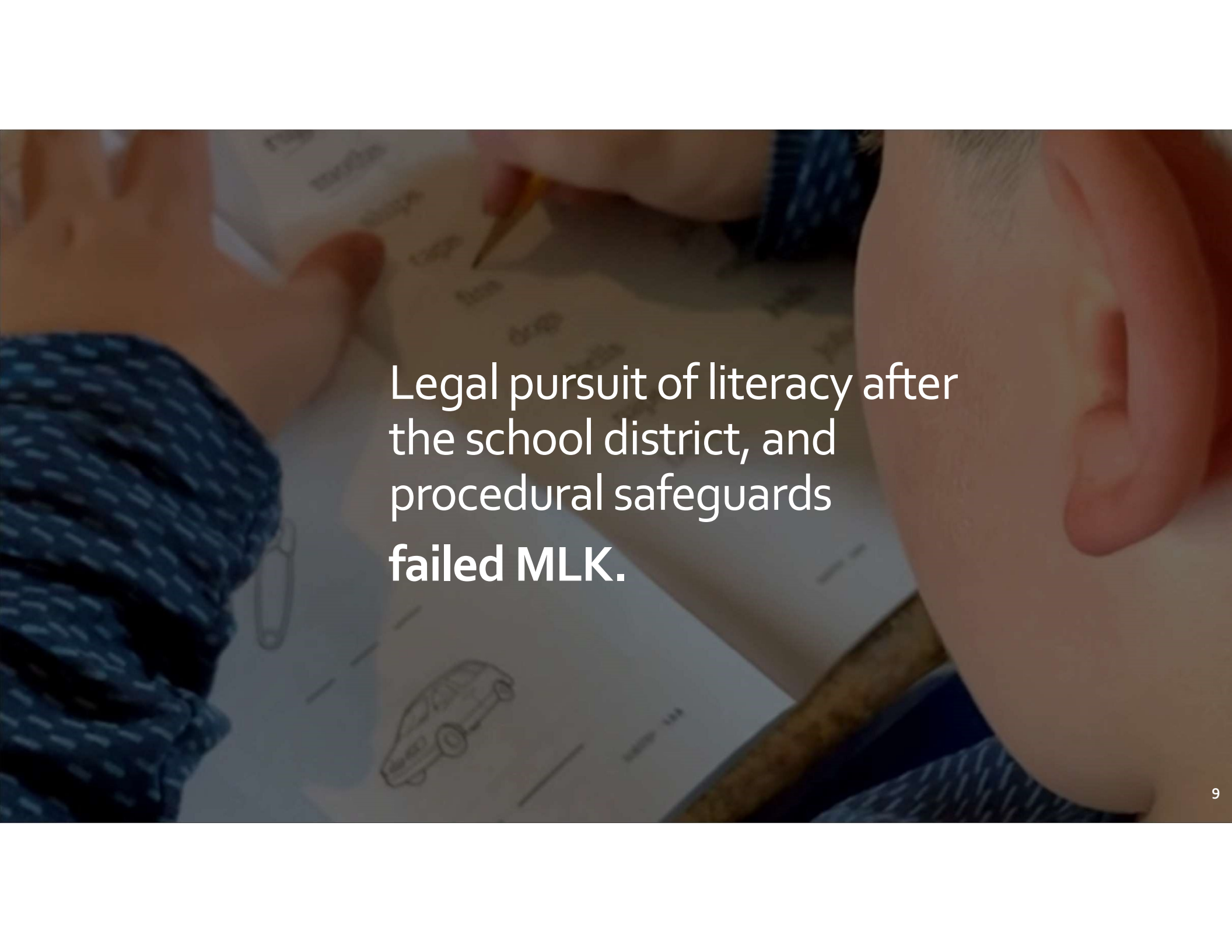
Public Schools

- Employ Attorneys, Curriculum Directors, Special Education Supervisors, Administrators, etc.
- Tell families that educators are the experts and to “trust them”
- Use balanced literacy approaches to teach reading
- Expect families to compromise vs. fully comply with the law
- Foster a biased dynamic with the State Department of Education
- Carry insurance policies to pay legal fees to fight families who exercise their due process rights

Most dyslexic families do not have the resources to get help.

Dyslexic Families

- Trust their school district ... until they don't
- Spend time, money and emotion trying to catch up
- Outnumbered, outspent and outplayed by school districts
- Exceed the statute of limitations by the time they learn enough to exercise their due process rights
- Turn to private tutors and specialized private schools
- Contemplate whether their student will ever learn to read without legal due process
- Experience inconsistent outcomes based on what the family can financially afford

A close-up photograph of a child's hands and face as they work on a worksheet. The child is wearing a blue and white patterned shirt. Their right hand holds a pencil, writing on the paper. The left hand is visible, holding the paper steady. The worksheet has some text and a drawing of a car. The background is slightly blurred, showing more of the worksheet and the child's face.

Legal pursuit of literacy after
the school district, and
procedural safeguards
failed MLK.

Highlights of MN Judge Barbara Case's Ruling

MLK vs. Minnetonka Public Schools #276

- School had the data markers of dyslexia since age 4-5
- Did not document learning disability in reading (dyslexia)
- Provided the same reading intervention for 4 years
- Student made no meaningful progress in reading
- IEP Goals were not ambitious, nor tied to grade level standards
- School denied most intensive reading intervention despite need
- Progress monitoring was not frequent enough, nor standardized
- Re-evaluation did not comply with legal standards
- Reading is a critical life skill and therefore a civil right
- Denial of FAPE on both substantive and procedural grounds
- Awards for reimbursement and compensatory education

Hearing Decisions

Recent hearing decisions are posted here for six months. After that time, find them our [Data Reports and Analytics webpage](#).

[20-004H](#) - 4/29/20

The District denied Student a FAPE. The District failed to meet its burden to show that its 2018 evaluation complied with legal requirements because it did not identify all of Student's disability-related needs, did not recommend services appropriate to meet Student's disability-related needs and did not identify necessary accommodations and modifications. In this case, the finding of a denial of FAPE is supported by a substantive violation: Student did not receive appropriate services to remediate the disability. However, the procedural violations—goals that were not measurable, lack of understandable and meaningful progress reporting, the failure to reassess as necessary to address Student's lack of progress, and the repeated denial of ESY with no apparent analysis or consideration of Student's needs—all contributed to the substantive violation of denial of an appropriate education in light of Student's circumstances.

The district denied MLK a Free and Appropriate Public Education (FAPE)

Education is a Civil Right

- 1954** **Brown vs. Board of Education – Supreme Court**
- 1965** **Elementary and Secondary Education Act**
 - now ESSA – All children receive a high-quality education and close student achievement gaps
- 1973** **Section 504 of the Rehabilitation Act**
- 1975** **Education for All Handicapped Children Act**
 - now IDEA – Ensures children with disabilities have the opportunity to receive FAPE, just like their nondisabled peers
- 1990** **The Americans with Disabilities Act**

Federal Law and Supreme Court Decisions

1975 Individuals with Disabilities Education Act (IDEA)

- Right to FAPE via specially designed instruction, related services, etc.

1982 Henry Hudson Board of Education vs. Rowley

- FAPE means nontrivial progress – the meaning of which will differ

2017 Endrew F. vs. Douglas County School District

- De minimus progress is not enough – IEP must be reasonably calculated to make progress appropriate in light of a child's circumstances

Unanimous
Supreme Court
Decision in the
Endrew F. case.

While . . . educational program[s] must be appropriately ambitious in light of [a child's] circumstances, the Supreme Court was clear that **every child . . . should have the chance to meet challenging objectives.**

Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.
RE-1, 290 F. Supp. 3d

This case also put balanced literacy on trial.

Balanced Literacy Model

- Minnetonka's 2019-20 local literacy plan highlights:
 - Superior platform
 - Fluency assessment
 - Fountas & Pinnell
 - Three queuing methods
 - Running Records

Structured Literacy Band-Aid

- Minnetonka trained some teachers in the Science of Reading:
 - Response to Intervention (RtI) vs. Special Education
 - Fidelity standards applied inconsistently
 - Special Education students denied access to programs despite need

The financial burden of dyslexia for MLK

\$30,000 +	Private OT, speech, language, reading tutors, etc.
\$0	Private neuro-psych evaluation (Insurance)
\$15,000	Private Independent Education Evaluation (IEE)
\$5,000+	Private Literacy Expert
\$120,000+	Attorney Fees for Due Process Hearing

\$170,000+	Total Expenses Prior to the Appeal Process

Minnetonka is appealing the MLK ruling.

Federal District Court

April 2020 Minnetonka filed a civil lawsuit against MLK

May 2020 Pre-hearing conference

June 2020 Settlement notices

July 2020 Scheduling conference

Oct 2020 Opening Cross Motions due

Nov 2020 Cross Reply Briefs due

Dec 2020 Oral arguments in Federal court

... Federal Judge Donovan Frank issues ruling

... Possible appeal to the 8th Circuit Court of Appeals

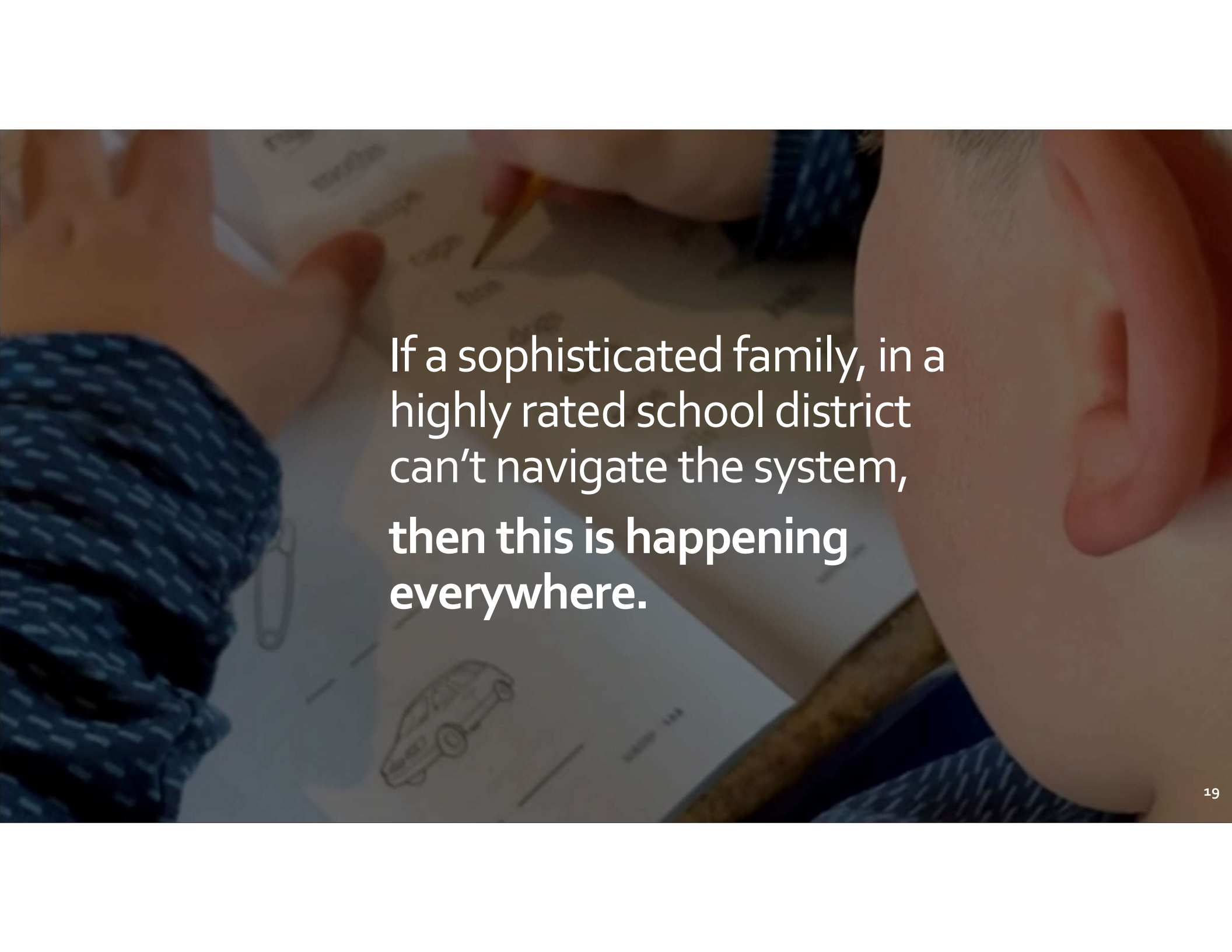


No family
should have to
go through
what MLK has
endured,
yet many do.

This case highlights what families must go through to get appropriate instruction for dyslexic students in the public-school system.

The responsibility for teaching ALL students how to read needs to be put back on the public-school districts.

- Not on private academies
- Not on private tutors
- Not on parents

A close-up photograph of a child's hands and face as they work on a worksheet. The child is using a pencil to draw a car on a grid. The worksheet has some text and a drawing of a car. The child's face is partially visible on the right side of the frame. The background is slightly blurred, showing a blue and white patterned shirt.

If a sophisticated family, in a highly rated school district can't navigate the system, **then this is happening everywhere.**

Teach ALL
dyslexic
students how
to read ...
not just those
who can afford
private
services.

Public schools are failing to educate many students with dyslexia. This reality is worse for low income students and people of color.

An "explosion of private services" has occurred, leaving a huge economic divide with **many students left behind.**

We need equity for ALL
dyslexic students.

The ruling in the MLK case holds public schools
accountable for teaching dyslexic students how to read.