

FORMAL REBUTTAL

Opposition to SF0059: K-12 Language and Literacy Program

Submitted by WYO Right to Read • March 2026

I. Preliminary Statement

Wyoming school district superintendents and Directors of Special Education/Special Needs Services have publicly opposed SF0059, claiming it strips their "professional autonomy" and imposes "intrusive oversight" and "loss of local control." This rebuttal demonstrates that these claims mischaracterize the bill, misrepresent the law, and — most critically — obscure the legal obligations these administrators already bear under federal and state law that they are currently failing to meet with respect to students with dyslexia and related reading disabilities.

The administrators' opposition email calls for legislators to "kill this bill." WYO Right to Read calls on legislators to understand what killing this bill means: it means continued, documented, systemic denial of evidence-based reading instruction to Wyoming's most vulnerable learners, in direct violation of IDEA, Section 504, and the Americans with Disabilities Act.

WHAT THE LAW ALREADY REQUIRES — WITHOUT SF0059

Under W.S. 21-3-110(a), the district superintendent is the chief administrative officer legally accountable for all district compliance with applicable federal and state law. Under IDEA, Section 504, and Wyoming Chapter 7 Rules, school districts are already legally obligated to locate, identify, evaluate, and serve every child with a disability — including dyslexia — from age 3 through 21, with evidence-based interventions delivered with fidelity. SF0059 does not create these obligations. It creates accountability for meeting them.

II. The Statutory Legal Roles of Superintendents and Special Education Directors

A. The District Superintendent

Under W.S. 21-3-110(a), the superintendent of schools is designated as the chief administrative officer of the district. This is not a ceremonial title. It carries direct legal accountability for ensuring the district meets every obligation imposed by state and federal law, including:

- Ensuring all students with disabilities receive a Free Appropriate Public Education (FAPE) consistent with IDEA, 20 U.S.C. §1400 et seq.
- Ensuring Child Find obligations are implemented — actively locating, identifying, and evaluating every child with a suspected disability within district boundaries (Wyoming Chapter 7 Rules; 34 C.F.R. §300.111).
- Ensuring special education programs are adequately staffed at levels consistent with WDE guidelines (W.S. 21-2-202(a)(xxiii); W.S. 21-13-321(f)).
- Submitting written justification to WDE explaining district special education staffing levels (W.S. 21-13-321(f)).

- Ensuring district personnel hold required licensure and qualifications (W.S. 21-2-802; Wyoming Chapter 7 Rules, Personnel Qualifications section).
- Implementing district policies consistent with WDE rules, state board rules, and federal law — including policies prohibiting the misinforming of parents about their children’s legal rights.

A superintendent who allows district personnel to tell parents that “Wyoming does not recognize dyslexia” — as documented in Laramie County School District 1 — is failing this statutory duty. This is not a matter of professional autonomy. It is a matter of documented legal noncompliance.

B. The Director of Special Education / Special Needs Services

The role of the Director of Special Education is created at the district level by the superintendent and board of trustees. However, the legal obligations that define the role are set by federal and state law. The Director bears operational responsibility for ensuring the district’s compliance with:

- IDEA Part B — including identification, evaluation, IEP development, placement in the Least Restrictive Environment (LRE), and delivery of FAPE.
- Section 504 of the Rehabilitation Act — prohibiting discrimination against students with disabilities, including those with dyslexia, in all programs and activities.
- Title II of the Americans with Disabilities Act — requiring equal access to educational programs for students with disabilities.
- Wyoming Chapter 7 Rules — the state administrative rules implementing IDEA, authorized by W.S. 21-2-202(a)(xviii), binding on all Wyoming school districts and public agencies.
- WDE’s Policy and Procedure Manual for Special Education — which operationalizes Child Find, evaluation standards, IEP requirements, LRE, personnel qualifications, and confidentiality obligations.

The Director of Special Needs Services does not have “autonomous” discretion to choose whether to comply with these mandates. A director who fails to ensure evidence-based interventions are delivered to students with dyslexia is not exercising professional judgment — they are violating federal law.

LEGAL DOCTRINE: DELIBERATE INDIFFERENCE

Under federal disability law, a school district may be held liable for "deliberate indifference" when it is aware of a substantial risk of harm to a student with a disability and fails to act on that knowledge. Five decades of peer-reviewed research have established that dyslexia is the most common learning disability, that it requires explicit, systematic, structured literacy instruction, and that denial of appropriate intervention causes lasting neurological and psychological harm. A superintendent or special education director who has been made aware of this research — and who continues to oppose legislation requiring evidence-based instruction — is establishing a record of deliberate indifference.

III. Point-by-Point Rebuttal of Superintendent Opposition Claims

SUPERINTENDENT CLAIM

LEGAL & FACTUAL REBUTTAL

"This bill will strip us of our professional autonomy" and is "a fundamental shift toward state-mandated oversight and the removal of local Board, district, and teacher control."

Superintendents and school boards do not have "autonomy" to violate federal law. IDEA, Section 504, and ADA already mandate evidence-based interventions for students with reading disabilities. SF0059 does not remove local control — it requires districts to exercise that control in compliance with existing federal obligations they are already ignoring. Districts retain the ability to select from a menu of state-approved evidence-based programs.

SUPERINTENDENT CLAIM

LEGAL & FACTUAL REBUTTAL

"The State Superintendent will dictate specific instructional practices and materials, meaning teachers and PLC teams will no longer have classroom instructional strategy and material autonomy."

Under W.S. 21-2-202(a)(xviii), the State Superintendent is already authorized and required to promulgate rules assuring children with disabilities receive a free and appropriate education. SF0059 aligns instructional practice with five decades of convergent neuroscientific and educational research on how the brain learns to read. Teacher "autonomy" to use ineffective methods is not a protected interest when students with disabilities are being harmed.

SUPERINTENDENT CLAIM

LEGAL & FACTUAL REBUTTAL

"This bill forces a one-size-fits-all primary model onto secondary schools" and will "remove intervention courses we have established."

Dyslexia does not resolve at the end of third grade. IDEA and Section 504 require FAPE through age 21, and Wyoming Chapter 7 Rules confirm this. Restricting evidence-based literacy services to K-3 would constitute a federal law violation. Students with unaddressed reading disabilities in secondary school represent districts' failure to identify and serve them earlier — not a reason to exempt secondary programs from accountability.

SUPERINTENDENT CLAIM

LEGAL & FACTUAL REBUTTAL

"This bill mandates a staggering increase in K-12 testing and reporting... which will take teachers out of the classroom and away from instruction."

Universal screening for reading risk is a cornerstone of Child Find. WDE's own Special Education Director's Handbook (2023-2024) and Chapter 7 Rules already require districts to identify all children with disabilities. Screening is identification — not a burden on teachers but a legal obligation. Individualized Reading Plans (IRPs) mirror the IEP process already required for identified students under IDEA. Districts are currently avoiding these obligations; SF0059 creates the infrastructure to meet them.

SUPERINTENDENT CLAIM	LEGAL & FACTUAL REBUTTAL
<p><i>"Redefining 'Proficiency' via Rule-Making" — the bill grants the State Superintendent power to establish proficiency levels that could be "manipulated by political pressure."</i></p>	<p>This argument inverts reality. Currently, districts have unchecked discretion to define "adequate" progress in ways that mask reading failure. SF0059 aligns proficiency definitions with evidence-based benchmarks. The State Superintendent's rulemaking authority in special education is already established under W.S. 21-2-202(a)(i) and (xviii). Accountability to objective benchmarks protects students — it does not endanger them.</p>

SUPERINTENDENT CLAIM	LEGAL & FACTUAL REBUTTAL
<p><i>"Valid screeners for secondary grade levels largely do not exist."</i></p>	<p>This is factually inaccurate. Multiple validated, normed screeners exist for secondary students, including GORT-5, CTOPP-2, TOWRE-2, and the WIAT-4, among others. WDE's own resources and the International Dyslexia Association provide guidance on secondary-level screening. This claim reflects a failure of professional knowledge that underscores the need for the very professional development requirements the bill establishes.</p>

IV. The Human and Legal Cost of the Status Quo

The superintendents' email frames this debate as being about administrative efficiency and professional autonomy. It is not. It is about children.

Dyslexia affects an estimated 15-20% of the population and is the most common learning disability. It is neurobiological in origin, well-defined in the research literature, and fully responsive to explicit, systematic, structured literacy instruction when delivered with fidelity. The National Institutes of Health, the American Academy of Pediatrics, and leading neuroscientists have confirmed for decades that early, evidence-based intervention changes brain structure and reading outcomes.

What happens to Wyoming students who are denied this instruction?

- They fail to develop functional literacy, limiting their lifetime earning potential and civic participation.
- They experience shame, anxiety, depression, and school refusal — documented mental health consequences of unaddressed reading disability.
- They are disproportionately represented in the juvenile justice system, dropout statistics, and adult illiteracy populations.
- Their families are forced to seek private tutoring, private evaluations, and private legal counsel to obtain services the law already requires their district to provide for free.
- Wyoming nonprofits like WYO Right to Read are raising private donations to fund what public schools refuse to deliver — an indictment of current administrative priorities.

This is not a policy disagreement. It is a pattern of documented harm to children with a recognized neurobiological disability, perpetuated by administrators who have been informed of the research, informed of their legal obligations, and who nonetheless are mobilizing to defeat legislation that would require accountability.

DOCUMENTED IN LARAMIE COUNTY SCHOOL DISTRICT 1

WYO Right to Read has documented that LCSD1 personnel have affirmatively told parents that "Wyoming does not recognize dyslexia." This statement is false and constitutes a violation of IDEA's Child Find requirements, Section 504's non-discrimination mandate, and WDE Chapter 7 Rules. It is the superintendent's statutory duty, as chief administrative officer under W.S. 21-3-110(a), to ensure that district personnel provide parents with accurate information about their children's legal rights. The failure to correct this pattern is evidence of systemic noncompliance — and the opposition to SF0059 reveals why it persists.

V. Conclusion and Call to Action

WYO Right to Read urges members of the Wyoming Legislature to recognize what the superintendents' opposition email actually represents: an organized effort by administrators to avoid accountability for failing to educate one of the most identifiable and treatable populations of students with disabilities in our public schools.

SF0059 does not take away professional autonomy. It requires that professional authority be exercised in compliance with federal law and in the best interest of students. It provides a framework — approved programs, training, screening, and individualized plans — that mirrors what federal disability law already requires and what effective states across the country have already implemented.

The choice before the Legislature is clear:

- Support SF0059 — requiring accountability, evidence-based instruction, and protection of children's federally-guaranteed rights; or
- Kill SF0059 — preserving a status quo of documented harm, federal noncompliance, and the transfer of financial burden from public schools to private families and Wyoming nonprofits.

We respectfully and urgently request your YES vote on SF0059.

WYO Right to Read • Wyoming Non-Profit Literacy Advocacy Organization • March 2026

Legal references: W.S. 21-3-110(a) • W.S. 21-2-202(a)(xviii)(xxiii)(xxiv)(xxv) • W.S. 21-13-321(f) • IDEA 20 U.S.C. §1400 et seq. • Section 504, Rehabilitation Act • ADA Title II • Wyoming Chapter 7 Rules • 34 C.F.R. Parts 300-301