

SENATE FILE NO. SF0178

Fixing reading failure.

Sponsored by: Senator(s) Scott and Brennan and
Representative(s) Andrew

A BILL

for

1 AN ACT relating to education; modifying the reading
2 assessment and invention program; defining terms; exempting
3 high performing school districts as specified; providing
4 remedies to address inadequacies in students' reading
5 abilities in kindergarten through grade four; providing for
6 retention of students due to reading inadequacies as
7 specified; requiring parental notification as specified;
8 providing for participation of parents in determining
9 educational interventions as specified; creating causes of
10 action; providing for the award of amounts as specified;
11 specifying burdens of proof; requiring reporting;
12 authorizing license revocation of teachers as specified;
13 prohibiting modification of proficiency scores on the
14 English language arts portion of the statewide summative
15 assessment as specified; providing for rulemaking;

1 specifying duties of the department of education staff;
2 creating an operations research staff within the department
3 of education; exempting the operations research staff
4 within the department of education from the state personnel
5 system and requirements; and providing for an effective
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 21-2-802(c) and 21-3-401 by creating
11 new subsections (e) through (n), by amending and
12 renumbering (e) as (o) and by creating new subsections (p)
13 through (w) are amended to read:

14

15 **21-2-802. Powers and duties; teacher certification;**
16 **suspension and revocation; certification fees; disposition**
17 **of collected fees; required data submissions to department**
18 **of education.**

19

20 (c) The board may revoke, suspend, deny or refuse to
21 renew certification for incompetency, conviction of a
22 felony committed after July 1, 1996, immorality and other
23 reprehensible conduct or gross neglect of duty or knowing

1 misrepresentation of information on an application or
2 resume, upon its own motion or upon the petition of any
3 local board of trustees. Any person certified by the
4 professional teaching standards board who engages in fraud,
5 cheating or unfair practices in assisting students in
6 performing on screening instruments administered pursuant
7 to W.S. 21-3-401 or on any assessment administered pursuant
8 to W.S. 21-2-304(a)(v) may have their professional
9 certification suspended or revoked by the professional
10 teaching standards board upon its own motion or upon the
11 petition of any local board of trustees. Except as provided
12 in subsection (k) of this section, no certificate shall be
13 revoked or suspended without a hearing conducted in
14 accordance with the Wyoming Administrative Procedure Act,
15 unless the person holding the certification waives the
16 right to a hearing.

17

18 **21-3-401. Reading assessment and intervention**
19 **program; defining and exempting high performing school**
20 **districts; retention in grade three and four; providing**
21 **causes of action.**

22

23 (e) As used in this section:

1

2

(i) "Assessment" means the statewide student assessment administered pursuant to W.S. 21-2-304(a)(v);

4

5

(ii) "Diagnostic instrument" means a specialized assessment tool utilized to evaluate specific areas of reading difficulty in students identified through universal screening;

9

10

(iii) "Dyslexia" means a specific learning disability that is neurobiological in origin, characterized by difficulty with accurate or fluent word recognition and by inaccurate spelling and decoding abilities, that often results in a deficit in the phonological component of language that may be unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences of "dyslexia" may include problems in reading comprehension and reduced reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge;

22

1 (iv) "High performing district" or "high
2 performing school district in teaching reading" means a
3 school district where not less than sixty percent (60%) of
4 all students score proficient or advanced on the grade
5 three (3) English language arts portion of the assessment
6 for not less than two (2) school years within the
7 immediately preceding three (3) school years;

8
9 (v) "Parent" means a parent, guardian or other
10 person having control of a student. If there is no formal
11 custody arrangement, "parent" means either parent, but each
12 school district may create a policy where notices shall go
13 to both parents or written consent is required of both
14 parents and may make exceptions to this policy. If there is
15 a custodial parent and noncustodial parent, unless
16 otherwise ordered by the court, the noncustodial parent
17 shall have the same right of access as the parent awarded
18 custody to any records related to the child or the parties
19 as provided by W.S. 20-2-201(e). The school district is
20 encouraged to send notices to the custodial and
21 noncustodial parent, but failure to achieve notice to the
22 noncustodial parent shall not prejudice further action
23 pursuant to this section. Where parental consent is

1 required, the district shall accept consent only from the
2 custodial parent, unless otherwise instructed by both the
3 parents or a court of competent jurisdiction;

4
5 (vi) "Reading difficulty" means any difficulty
6 that causes a student to have a problem with reading or
7 comprehending written words or texts. "Reading difficulty"
8 includes dyslexia and other reading difficulties;

9
10 (vii) "Universal screener" means an assessment
11 tool administered to all students at least three (3) times
12 each school year to identify early signs of reading
13 difficulties, including dyslexia.

14
15 (f) Commencing with school year 2025-2026, when the
16 assessment results from the spring assessment become
17 available, the department of education shall publish on the
18 department's website an up-to-date listing of the high
19 performing school districts in teaching reading. Copies of
20 the list shall be sent to each school district for
21 distribution to its board of trustees and to each member of
22 the legislature, the legislative service office and other
23 interested parties as identified by the department. In

1 implementing this section, when a school district's status
2 as a high performing district changes, the school district
3 may continue to use its old status until the next January 1
4 or July 1, whichever comes first, and then shall change to
5 using its new status.

6
7 (g) For students with an individualized education
8 program (IEP) pursuant to the Individuals with Disabilities
9 Education Act, 20 U.S.C.A. § 1400 et seq., or a
10 substantially similar federal enactment, whose IEP
11 addresses reading difficulties, the IEP shall be deemed
12 sufficient to meet the requirements of this section. When
13 these students complete a reading screening or an
14 assessment in English language arts for which parental
15 notification is required pursuant to this section, the
16 notice shall conform to the requirements of the Individuals
17 with Disabilities Education Act.

18
19 (h) For high performing districts:

20
21 (i) Each school district shall develop and
22 implement or select and implement a reading assessment and
23 intervention program that screens for signs of reading

1 difficulties in kindergarten through grade three (3) and
2 that implements an effective intervention program if
3 difficulties are found. The program shall include
4 monitoring and measuring student reading progress to
5 provide information to inform any intervention. The program
6 may include the development of an individualized reading
7 plan. As soon as practical after the screening is
8 conducted, each school district shall, for each student
9 showing signs of reading difficulties, provide a copy of
10 the screening results, including an explanation of the
11 results, to the parent. The school district shall consider
12 any comments or suggestions the parent may have concerning
13 the individualized reading plan. Commencing with school
14 year 2025-2026, the individualized reading plan for
15 students in kindergarten through grade two (2) shall, at
16 the request of the parent, include retention of the student
17 with reading difficulties in the same grade and, for
18 students in grades one (1) or two (2), include repeating
19 identified courses or coursework;

20

21 (ii) Within fifteen (15) school days after the
22 school district receives the assessment results, each
23 school district shall notify the parent in writing of a

1 student's performance on the grade three (3) and grade four
2 (4) English language arts portion of the assessment. The
3 assessment results shall show whether the student's score
4 was advanced, proficient, basic or below basic on the
5 English language arts portion of the assessment and may, if
6 the school district chooses, include the numeric score. If
7 the student did not take the English language arts portion
8 of the statewide student assessment, the school district
9 shall arrange for an assessment to be taken in lieu of the
10 English language arts portion of the statewide student
11 assessment;

12

13 (iii) Commencing with school year 2027-2028, for
14 grade three (3) and commencing with school year 2028-2029
15 for grade four (4), if the student's score on the grade
16 three (3) English language arts portion of the assessment
17 or the grade four (4) English language arts portion of the
18 assessment, whichever is the most recent, is basic or below
19 basic, the school district notification pursuant to this
20 subsection shall include an invitation to meet with the
21 student's teachers or other appropriate school personnel to
22 help develop an individualized reading plan to address that
23 student's reading problem. The individualized reading plan

1 required by this paragraph shall be based on an
2 understanding of the individual student's difficulties with
3 reading and may include:

4

5 (A) Having the student repeat the relevant
6 grade;

7

8 (B) Having the student repeat identified
9 courses or coursework while advancing to the next grade;

10

11 (C) Having the student attend a summer
12 reading program that is appropriate to address the
13 student's difficulties with reading;

14

15 (D) Securing and paying the cost for a
16 private tutor. The educational interventions afforded under
17 this subparagraph may be requested by the parent and shall
18 not be included without the written consent of the parent;

19

20 (E) Other provisions and interventions as
21 may be useful.

22

1 (iv) The school district shall try to obtain
2 parental consent to the plan developed pursuant to
3 paragraph (iii) of this subsection. If parental consent is
4 not obtained, the school district shall implement the
5 individualized reading plan, except as provided by
6 subparagraph (iii)(D) of this subsection but the parent has
7 the right pursuant to subsections (p) and (q) of this
8 section to seek court ordered changes to the plan. The
9 parent has the right to be informed of the content of the
10 individualized reading plan, any changes to the plan and
11 its implementation status;

12
13 (v) In its discretion, a school district may
14 implement paragraph (iii) of this subsection in whole or in
15 part before the start dates provided in that paragraph.

16
17 (j) For school districts not identified as high
18 performing schools districts:

19
20 (i) Each school district shall select and
21 implement a reading assessment and intervention program
22 that uses an instrument identified by the state
23 superintendent that screens for signs of reading

1 difficulties not less than three (3) times per year in
2 kindergarten through grade three (3) and that implements
3 with fidelity an evidence based intervention program. The
4 program shall include instruments identified by the state
5 superintendent that monitor and measure reading progress
6 and assess student reading skills and progress to provide
7 data that informs any intervention. The assessment and
8 intervention program shall be administered to all students
9 in kindergarten through grade three (3). The program shall
10 also include implementation of evidence based core
11 curricula aligned to the uniform content and performance
12 standards and evidenced based interventions to meet the
13 needs of all students. The program shall be multi-tiered
14 and shall include evidence based interventions to
15 facilitate remediation of any reading difficulty as early
16 as possible;

17

18 (ii) Each school district shall notify parents
19 of student performance and develop and individualized
20 reading plan for students identified in need of further
21 reading intervention through diagnostic assessment, within
22 fifteen (15) calendar days after the screening is conducted
23 pursuant to paragraph (i) of this subsection, each school

1 district shall provide a copy of the screening results,
2 including an explanation of the screening results, to the
3 parent of a student showing signs of reading difficulties
4 or not showing appropriate reading competence;

5
6 (iii) Commencing with school year 2025-2026 for
7 kindergarten and grade one (1) and commencing with school
8 year 2026-2027 for grade two (2) students showing signs of
9 reading difficulties or not showing appropriate reading
10 competence shall be placed on an individualized reading
11 plan developed, if possible, with the student's parents to
12 target the reading related difficulties that shall remain
13 in the student's academic record until the student achieves
14 reading competency and shall include all of the following:

15
16 (A) The specific reading deficiencies
17 requiring remediation;

18
19 (B) Goals and benchmarks for attaining
20 reading competency;

21
22 (C) Instructional services and
23 interventions that the student shall receive;

1

2

(D) A scientifically and evidence-based reading instruction program;

4

5

(E) A plan for monitoring and evaluating the student's progress;

7

8

(F) If appropriate, a parent read-at-home plan for families of students identified with a reading difficulty which includes strategies that target students' need based on data and that are aligned to the reading science;

13

14

(G) Any additional services the educational team, including the parents, deem appropriate to accelerate the student's reading skills development.

17

18

(iv) The school district shall provide a copy of a student's individualized reading plan to the student's parent and shall consider any comments or suggestions the parent has concerning the plan. Commencing with school year 2025-2026, the individualized reading plan for students in kindergarten through grade two (2) shall, at the request of

23

1 the parent, include retention of the student with reading
2 difficulties in the same grade and, for students in grades
3 one (1) or two (2), include repeating identified courses or
4 coursework;

5
6 (v) Commencing with school year 2027-2028 for
7 grade three (3), if a student's score on the grade three
8 (3) English language arts portion of the assessment is
9 basic or below basic, the school district notification
10 pursuant to paragraph (ii) of this subsection shall include
11 an invitation to meet with the student's teacher and other
12 appropriate school personnel to help develop a plan to
13 address that student's reading problem. The notification
14 shall state that if the parent and school district cannot
15 develop an individualized reading plan, the plan shall
16 include retaining the student in grade three (3). The
17 individualized reading plan shall include retaining the
18 student in grade three (3) if the parent and the school
19 district cannot agree on an alternate plan and may include
20 retaining the student in grade three (3) with agreement of
21 the parent. The plan shall be based on an understanding of
22 the individual student's difficulties with reading and

1 shall include the plan elements in paragraph (iii) of this
2 subsection that are appropriate and may include:

3

4 (A) Having the student repeat identified
5 courses or coursework while advancing to the next grade;

6

7 (B) Having the student attend a summer
8 school program that is appropriate to remedy the student's
9 difficulties with reading;

10

11 (C) Securing and paying the cost for a
12 private tutor. The educational interventions afforded under
13 this subparagraph may be requested by a parent and shall
14 not be included without the written consent of the parent;

15

16 (D) Other provisions and interventions as
17 may be useful.

18

19 (vi) Commencing with school year 2028-2029 for
20 grade four (4), if the student's score is basic or below
21 basic on the English language arts portion of the
22 assessment, the school district notification shall include
23 an invitation to meet with the student's teacher and other

1 appropriate school personnel to address that student's
2 reading problem. The individualized reading plan shall be
3 based on an understanding of the individual student's
4 difficulties with reading and shall include retaining the
5 student in grade four (4), except that if the student's
6 score was proficient or advanced on the grade three (3)
7 English language arts portion of the assessment or the
8 student was identified as an English language learner with
9 less than two (2) years of instruction in the English
10 language learner program at the time the assessment was
11 administered, the retention in grade four (4) is optional.
12 The individualized reading plan shall include the plan
13 elements in paragraph (iii) of this subsection that are
14 appropriate and may include the following:

15

16 (A) Having the student repeat identified
17 courses or coursework while advancing to the next grade;

18

19 (B) Having the student attend a summer
20 school program that is appropriate to remedy the student's
21 difficulties with reading;

22

1 (C) Securing and paying the cost for a
2 private tutor. The educational interventions afforded under
3 this subparagraph may be requested by a parent and shall
4 not be included without the written consent of the parent;

5
6 (D) Other provisions and interventions as
7 may be useful.

8
9 (k) No student shall be retained pursuant to this
10 section for more than one (1) school year in grade three
11 (3) for a total of two (2) school years in grade three (3).
12 No student shall be retained pursuant to this section for
13 more than two (2) school years in grade four (4) for a
14 total of three (3) school years in grade four (4). In these
15 instances, the school district shall continue to notify
16 parents and develop individualized reading plans until the
17 student's score is proficient or advanced on the English
18 language arts portion of the assessment or leaves school.

19
20 (m) Except for high performing school districts as
21 defined by paragraph (e)(iv) of this section, each school
22 district shall annually report to the department of
23 education on the progress of each school in the school

1 district towards achieving the goal of sixty percent (60%)
2 of all grade three (3) students that score proficient or
3 advanced on the grade three (3) English language arts
4 portion of the assessment. Each school district that is not
5 a high performing school district shall submit an
6 improvement plan to the department of education. The
7 department of education shall promulgate rules prescribing
8 the form and content to be included in a school district's
9 improvement plan.

10
11 (n) To assist in implementing the provisions of this
12 section, the state superintendent shall:

13
14 (i) In consultation with school districts and
15 appropriate professionals, promulgate rules as necessary or
16 useful to administer this section;

17
18 (ii) Directly support schools and school
19 districts in administering this section and meeting the
20 goals of improvement plans developed pursuant to subsection
21 (m) of this section. The principal purpose of the
22 operations research staff created pursuant to subsection

1 (u) of this section shall be to enable the state
2 superintendent to carry out this function.

3

4 ~~(e)~~(o) Commencing with school year 2022-2023, each
5 school district shall require each district employee
6 providing instruction in grades kindergarten through three
7 (3) within the district to have received or receive
8 professional development in evidence based literacy
9 instruction and intervention and in identifying the signs
10 of reading difficulties, including but not limited to
11 dyslexia and other reading deficiencies, using suitable
12 materials reviewed and required pursuant to rule by the
13 state superintendent. The rules required under subsection
14 ~~(d)~~paragraph (n)(i) of this section shall establish
15 minimum reading assessment and intervention professional
16 development requirements to be completed not less than once
17 every three (3) years as required under this subsection for
18 district employees providing instruction in grades
19 kindergarten through three (3). The rules shall contain
20 criteria to identify appropriate and suitable professional
21 development materials for district employees in evidence
22 based literacy instruction and intervention and in

1 detection of reading difficulties, including but not
2 limited to dyslexia and other reading deficiencies.

3

4 (p) Notwithstanding any other provision of law, if a
5 school district fails to provide the notice required under
6 subsection (h) or (j) of this section or fails to develop
7 or implement an individualized reading plan required under
8 subsection (h) or (j) of this section, a parent shall have
9 a cause of action against the school district for relief
10 subject to the following:

11

12 (i) Monetary damages may be recovered to fund
13 diagnostic testing, evaluation, individualized reading plan
14 development and plan implementation for the student;

15

16 (ii) The damages may include not more than ten
17 thousand dollars (\$10,000.00) in attorney's fees and court
18 costs. Attorney's fees shall not be awarded if the payment
19 or amount of attorney's fees by the parent is contingent on
20 the outcome of the case;

21

22 (iii) The total monetary damages that may be
23 awarded in each case is limited to the average per pupil

1 Wyoming state and local expenditures incurred in the
2 previous fiscal year;

3

4 (iv) In addition to monetary damages for failure
5 in whole or in part to implement a plan, the court may
6 order the school district to implement an individualized
7 reading plan developed and approved by the court. This plan
8 may include, with the consent of the parent, private
9 tutoring.

10

11 (q) Notwithstanding any other provision of law, if a
12 school district implements an individualized reading plan
13 required pursuant to this section that fails to reasonably
14 and appropriately address a student's reading difficulties,
15 or a parent disagrees with an individualized reading plan
16 proposed by a district and is unable to reach agreement
17 with the district, the parent may have a cause of action
18 against a school district. The court may order changes to
19 the plan reasonably needed to achieve the goal of enabling
20 the student to read well enough for the student to be able
21 to achieve a score of proficient or advanced on the English
22 language arts portion of the assessment or the court may
23 find the student cannot reasonably be expected to achieve

1 this goal. In an action pursuant to this subsection, a
2 parent is not entitled to monetary damages or attorney's
3 fees.

4

5 (r) Actions pursuant to subsections (p) and (q) of
6 this section shall be brought in the district court in the
7 county in which the school district involved is
8 headquartered.

9

10 (s) The department of education shall not discontinue
11 the English language arts portion of the assessment or
12 substantially change the meaning of the scores
13 distinguishing between basic and below basic on the English
14 language arts portion of the assessment.

15

16 (t) There is created within the department of
17 education an operations research staff. The primary purpose
18 of this staff is to assist in the implementation of this
19 section and to conduct studies and assist school districts
20 in improving the performance of students in learning how to
21 ready adequately in primary grades. Duties of the staff
22 shall include the following:

23

1 (i) Conduct management audits of school
2 districts selected by the state superintendent to
3 facilitate implementation of this section;

4
5 (ii) Conduct other studies requested by the
6 state superintendent to facilitate implementation of this
7 section and improve the functioning of school districts;

8
9 (iii) Provide technical assistance to the
10 districts in implementing this section;

11
12 (iv) Complete other studies and tasks relating
13 to education as assigned by the state superintendent.

14
15 (u) In managing the state department of education,
16 the state superintendent shall have the following duties
17 and authority:

18
19 (i) Shall have the authority to manage the
20 operations research staff and assign its work priorities
21 and tasks, to the extent not set by this section;

22

1 (ii) Shall have the authority, exempt from the
2 requirements of the state personnel system, to define the
3 job description, position on the state salary scale and
4 hire, fire or transfer the manager of the operation
5 research staff and other comparable managers in the
6 department who report directly to the state superintendent;

7
8 (iii) For the senior operations research staff,
9 have the authority to, exempt from the requirements of the
10 state personnel system, set the job description, determine
11 the position of the state salary scale and hire or fire
12 individual employees;

13
14 (iv) May, to the extent funds are appropriated,
15 have the operations research staff contract with outside
16 consultants for all or a portion of the tasks assigned to
17 it and manage those contracts;

18
19 (v) Notwithstanding W.S. 9-2-3207(a) through
20 (c), may transfer funds and utilize any department of
21 education staff to carry out the duties outlined in
22 subsection (t) of this section.

23

1 (w) The long term goal for student performance
2 pursuant to this section shall be eighty-five percent (85%)
3 of the students score proficient or advanced on the English
4 language arts portion of the assessment.

5

6 **Section 2.** W.S. 21-3-401(a) through (d) is repealed.

7

8 **Section 3.** Effective school year 2025-2026 and each
9 school year thereafter, the assessment scores to determine
10 below basic, basic, proficient and advanced on the English
11 language arts portion of the statewide summative assessment
12 administered pursuant to W.S. 21-2-304(a)(v) shall not be
13 modified.

14

15 **Section 4.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

19

20

(END)