**POLICY BRIEF**

**“Local Control” Does Not Excuse Denial of FAPE**

**for Students with Dyslexia**

# Background

Wyoming state leaders and the Wyoming Department of Education (WDE) have a legal and moral obligation to ensure that every student with dyslexia receives a Free Appropriate Public Education (FAPE), as guaranteed under the Individuals with Disabilities Education Act (IDEA).

# Key Points

• FAPE is a federal civil right. Under IDEA, all eligible students must receive instruction and services tailored to their needs, grounded in evidence-based practices.

• **WDE, as the State Education Agency (SEA), is ultimately responsible.** The SEA must monitor, enforce, and ensure compliance in every district. This duty cannot be delegated to local districts or waived under “local control.”

• **Wyoming’s preference for “local control” is not a defense for FAPE violations.** While districts may choose among programs, the state cannot allow ineffective or inappropriate interventions where students are failing to make progress.

• **Evidence-based dyslexia interventions must be required and monitored.** Districts may not select unproven programs simply because of “preference.” The state must set expectations and hold districts accountable.

# Legal Authority

SEA Oversight Responsibility

20 U.S.C. § 1412(a)(11); 34 C.F.R. § 300.149:
“The SEA is responsible for ensuring that the requirements of this part are carried out… including the responsibility for ensuring that FAPE is available to all eligible children with disabilities.”

Instruction Must Be Evidence-Based

20 U.S.C. § 1414(d)(1)(A)(i)(IV):
“Special education and related services… [must be] based on peer-reviewed research to the extent practicable.”

# CASE LAW: “Local Control” Does Not Excuse FAPE Failures

**Forest Grove Sch. Dist. v. T.A., 557 U.S. 230 (2009)**- Districts must proactively ensure students receive needed services. Delaying or failing to act violates IDEA.

**Cedar Rapids Cmty. Sch. Dist. v. Garret F., 526 U.S. 66 (1999)**- Cost, administrative burden, or local preference cannot justify failure to provide required services under IDEA.

**Gadsby v. Grasmick, 109 F.3d 940 (4th Cir. 1997)**- The SEA holds final responsibility for district compliance with IDEA.
“A state’s statutory duty is not delegable: once it accepts federal funds, it assumes final responsibility.”

**Doe v. Alabama State Dept. of Ed., 915 F.2d 651 (11th Cir. 1990)**- SEA must monitor and enforce IDEA compliance. Local control does not shield the state from **liability.**

# Summary for Decision Makers

**Invoking “local control” to justify failures to ensure FAPE is legally indefensible.**- Wyoming, through WDE, must actively require and monitor evidence-based dyslexia interventions.
- The state cannot allow local districts to make harmful instructional decisions unchecked.
- Compliance with IDEA is a statewide responsibility—and failure to act exposes both districts and the State to liability.

**\*\*Bottom Line:** WDE must lead, not defer. Wyoming students with dyslexia have a right to structured, evidence-based literacy instruction, and the State must guarantee it.