

ENROLLED ACT NO. 43, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

AN ACT relating to education accountability; generally modifying provisions of the Wyoming Accountability in Education Act; conforming provisions; repealing a provision; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 21-2-204(d)(intro), (v), (vi), (e), (f)(intro), (h)(intro), (k) and (n)(intro) and 21-2-304(a)(v)(H) and (vi) are amended to read:

**21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.**

(d) ~~Beginning in school year 2013-2014, and each school year thereafter,~~ The department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools. Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(v) Not later than fifteen (15) days after a school receives its ~~final~~ overall performance rating or other performance determination from the department of education, the school district may seek an informal review with the state board. The state board shall make a final determination as to the overall performance rating or other performance determination within thirty (30) days after receipt of the request for review;

(vi) The state board shall promulgate rules and regulations governing the informal review process before the

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board as conducted under this subsection. The informal review process shall only examine whether the department properly computed and reported a school's overall performance rating or other performance determination or whether the school was unable to administer the statewide assessment. The state board may grant an exception to the state's accountability system requirements for a school for one (1) school year when the school demonstrates that it was unable to administer the statewide assessment for good cause. Except as otherwise provided by this paragraph, the informal review process shall not be used to grant exceptions to the state's accountability system or change components of the accountability model.

(e) The state board, through the department of education, shall establish long term and interim performance targets for all Wyoming schools for the indicators measured pursuant to subsections (c) and (n) of this section. ~~For all schools other than alternative schools, The performance targets shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish appropriate performance targets~~ may be developed in consultation with one (1) or more advisory committees of education stakeholders. The state board shall utilize the performance targets in carrying out the duties and the deliberative process required under subsection (f) of this section.

(f) The state board, through the department of education, shall compile, evaluate and determine ~~the~~ target levels for an overall school performance rating and for indicator level performance. The board shall execute this determination when a significant aspect of the school accountability system changes ~~or based upon periodic review of the system that requires evaluation of the target and indicator levels for school performance ratings~~ through a

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prescribed deliberative process informed by a panel selected by the state board comprised of broad based representation from both public education and the community at-large. ~~For all schools other than alternative schools, the target levels for school performance on all performance indicators measured under subsection (c) of this section shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish appropriate target levels for school performance on all performance indicators measured under subsection (n) of this section.~~ The target levels for school performance shall be used by the state board through the department to:

(h) ~~For all schools other than alternative schools, a progressive multi-tiered system of support and intervention to assist schools shall be established by the state board, and shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish an appropriate progressive multi-tiered system of support and intervention through the department. The system shall increase the ability of schools and school districts to improve achievement and growth indicator performance and expand the ability for schools and school districts within the state to continuously improve.~~ The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and intervention. ~~Commencing with school year 2014-2015, and each school year thereafter,~~ The state superintendent shall take action based upon system results according to the following:

(k) ~~Beginning school year 2014-2015, and each school year thereafter, the state board shall through the state superintendent, annually review the statewide education~~

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~~accountability system, including but not limited to a review of the appropriateness of the performance indicators, the measures used to demonstrate performance, the methods used to calculate school performance, the target levels and statewide, district and school attainment of those levels and the system of support and intervention.~~ Not later than September 1, ~~2015,~~ and of each September 1 thereafter year, or November 1 in years in which there is a significant change to the statewide assessment system or the statewide accountability system, as determined by the state board, the state board through the state superintendent shall report to the joint education interim committee ~~on the information required under this subsection and~~ the results of the accountability system for each school in the state. In addition, beginning with the 2020-2021 school year, after any significant change to the statewide assessment system or the statewide accountability system as determined by the state board, the state board may evaluate the state's accountability system to ensure that:

(i) System components remain reliable, valid and fair;

(ii) System stakeholders receive, understand and use accountability information to improve student outcomes; and

(iii) The system remains as stable as possible.

~~(n) Beginning school year 2018-2019 and each school year thereafter,~~ For alternative schools, the indicators of school level performance shall be:

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

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(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(H) Provide a measure of accountability to enhance learning in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress as well as school level achievement, growth and readiness targets. In addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner. For schools with students enrolled in full-time virtual education programs, assessment results for students attending full-time virtual education programs shall be reported in aggregate form and separate from students physically attending class in a school facility. Assessment results shall be used in conjunction with each school district's assessments to design educational strategies for improvement and enhancement of student performance required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing a progressive

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~~multi-tiered~~ system of support, and intervention and ~~consequences~~ to districts in developing school improvement plans in response to student performance to attain target levels measured and established under W.S. 21-2-204. In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, annually report to the legislature as required under W.S. 21-2-204;

(vi) Subject to and in accordance with W.S. 21-2-204, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate school level performance indicators as required by W.S. 21-2-204. The state board shall establish performance targets as required by W.S. 21-2-204(f), establish a 21-2-204(e), target levels for an overall school performance rating and for indicator level performance pursuant to W.S. 21-2-204(f), a progressive ~~multi-tiered~~ system of supports and interventions as required by W.S. 21-2-204(h) and ~~shall establish~~ a statewide reporting system pursuant to W.S. 21-2-204(j). ~~For schools other than alternative schools, the system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(m). For alternative schools, the state board shall conform the system in accordance with W.S. 21-2-204, as applicable.~~ As part of the statewide accountability system, and for purposes of complying with requirements under the federal Every Student Succeeds Act, the board shall by rule and regulation provide for annual accountability determinations based upon measures imposed by federal law for all schools and school districts imposing a range of educational interventions and supports resulting from accountability determinations;

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**Section 2.** W.S. 21-2-204(m)(ii) is repealed.

**Section 3.**

(a) By July 1, 2020, the state board of education, as required by W.S. 21-2-304(a)(vi), shall promulgate rules to implement the statewide accountability system. The rules shall provide for long term and interim performance targets for all Wyoming schools for accountability indicators established by law pursuant to W.S. 21-2-204(e), target levels for an overall school performance rating and for indicator level performance pursuant to W.S. 21-2-204(f), a progressive system of support and intervention pursuant to W.S. 21-2-204(h) and a statewide reporting system pursuant to W.S. 21-2-204(j). In accordance with W.S. 21-2-204, the rules shall provide distinct accountability systems for alternative schools and all other public K-12 schools.

(b) In promulgating rules on the statewide accountability system pursuant to this section, the state board shall adopt rules that reflect recommendations regarding the student participation rate calculation as contained in the technical advisory group's report of October 1, 2018 to the joint education interim committee for alternative schools and as contained in the advisory committee's report of February 5, 2018 to the joint education interim committee for all other public K-12 schools. The state board shall adopt rules that reflect recommendations regarding the method of aggregating indicator data into an overall school performance determination as contained in the technical advisory group's report of October 1, 2018 to the joint education interim committee for alternative schools and as contained in the advisory committee's report of October 1, 2018 to the joint education interim committee for all other public K-12 schools. The reports are on file with and

ORIGINAL HOUSE  
BILL NO. HB0023

ENGROSSED

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available for public inspection from the legislative service office.

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk