

ENROLLED ACT NO. 60, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to the teacher accountability act of 2011; prescribing phased-in development of phase II of the statewide education accountability system addressing teacher and leader evaluation; eliminating teachers of record as a system component; specifying study parameters and timelines; imposing reporting requirements; and providing for an effective date.

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

Section 1. W.S. 21-2-304(b) (xv) and (xvi), 21-3-110(a) (xvii), (xviii), (xix), (xxx) and (b), 21-7-102(a) (ii) (A) and (B) and 21-7-110(a) (vii) are amended to read:

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

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(xv) Not later than July 1, ~~2013~~ 2016, promulgate rules and regulations for the implementation and administration of ~~an annual~~ a comprehensive school district teacher performance evaluation system based in part upon defined student academic performance measures as prescribed by law, ~~and~~ upon longitudinal data systems ~~linking student achievement with teachers of record~~ and upon measures of professional practice according to standards for professional practice prescribed by board rule and regulation. The evaluation system shall clearly prescribe standards for highly effective performance, effective performance, performance in need of improvement and ineffective performance. ~~and define teacher of record for purposes of the teacher and school district leader~~

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~~evaluation and accountability system.~~ Rules and regulations adopted under this paragraph shall to the extent the statewide accountability system is not compromised, allow districts the opportunity to refine the system to meet the individual needs of the district. The performance evaluation system shall also include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to teachers performing unsatisfactorily, which are designed to improve instruction and student achievement;

(xvi) Not later than July 1, ~~2013~~2015, promulgate rules and regulations for implementation and administration of ~~an annual~~a comprehensive performance evaluation system for school and district leadership, including superintendents, principals and other district or school leaders serving in a similar capacity. The performance evaluation system shall be based in part upon defined student academic performance measures as prescribed by law, upon longitudinal data systems and upon measures of professional practice according to standards prescribed by board rule and regulation. The system shall also allow districts opportunity to refine the system to meet the individual needs of the district and shall include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to district administrative personnel performing unsatisfactorily, designed to improve leadership, management and student achievement;

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

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(xvii) Not later than school year ~~2013-2014~~ 2016-2017 and each school year thereafter, require the performance of each initial contract teacher to be evaluated ~~in writing at least twice annually~~ summatively based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xviii) Not later than school year ~~2013-2014~~ 2016-2017 and each school year thereafter, establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated ~~in writing at least once each year~~ summatively based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xix) Not later than school year ~~2013-2014~~ 2016-2017 and each school year thereafter, based in part upon student achievement measures established by the state board of education under W.S. 21-2-304(b)(xv), performance evaluations shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory performance ~~for that may lead to~~ dismissal, suspension and termination proceedings under W.S. 21-7-110;

(xxx) Not later than school year ~~2013-2014~~ 2015-2016 and each school year thereafter, in addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school district leader, including

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superintendents and principals and other district or school leaders serving in a similar capacity to be evaluated in accordance with the statewide education accountability system established under W.S. 21-2-204. Not later than August 15, ~~2014-2016~~ and August 15 of each school year thereafter, in accordance with rules and regulations of the state board, the district board shall also provide the state board written reports verifying school district leader performance and providing performance scores necessary for continued employment;

(b) On or before ~~April 15, 2014~~ June 1, 2017 and June 1 of each school year thereafter, each school district superintendent shall provide a report to the board of trustees identifying all teachers and on or before June 1, 2016, and June 1 of each school year thereafter, identifying all school and district leaders within the district whose performance, through evaluations conducted under paragraphs (a)(xvii) through (xix) and (xxx) of this section, has been determined ~~inadequate~~ in need of improvement or ~~unsatisfactory-ineffective~~ for that school year. The report shall include a summary of mentoring and other professional development activities made available to the identified school and district leaders and teachers to improve instruction and student achievement. Not later than ~~June 1, 2014~~ July 1, 2016 for school and district leaders, and July 1, 2017 for district teachers, and July 1 of each school year thereafter, the board shall file a report with the department of education certifying compliance with this subsection.

21-7-102. Definitions.

(a) As used in this article the following definitions shall apply:

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(ii) "Continuing Contract Teacher":

(A) Any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three (3) consecutive school years, has had his contract renewed for a fourth consecutive school year and, beginning school year ~~2013-2014~~ 2016-2017 and each school year thereafter, has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district, and, beginning school year ~~2013-2014~~ 2016-2017 and each school year thereafter, has performed satisfactorily on performance evaluations conducted by both districts under W.S. 21-3-110(a)(xvii) during this period of time.

21-7-110. Suspension or dismissal of teachers; notice; hearing; independent hearing officer; board review and decision; appeal.

(a) The board may suspend or dismiss any teacher, or terminate any continuing contract teacher, for any of the following reasons:

(vii) Beginning school year ~~2013-2014~~ 2016-2017 and each school year thereafter, inadequate performance as determined through ~~annual~~ performance evaluation tied to student academic growth for at least two (2) consecutive years completed in accordance with W.S. 21-3-110(a)(xvii) through (xix);

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Section 2. W.S. 21-2-203(c)(ii)(C) and 21-2-304(a)(v)(D), as amended by 2013 Wyoming Session Laws, Chapter 1, Section 2 are amended to read:

21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.

(c) The duties of the department are, in accordance with rules promulgated by the director, to:

(ii) Collect data from school districts necessary for the department to administer the school finance system and the statewide education accountability system established under W.S. 21-2-204. In accomplishing this, the department shall:

(C) Use existing data to establish longitudinal data systems linking student achievement with ~~teachers of record and relevant~~ school principals and school district leaders, as necessary for the statewide education accountability system.

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

(a) The state board of education shall:

(v) Through the director 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

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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:

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section, ~~and not later than school year 2013-2014, link student performance and progress to teachers of record~~ and by school year 2015-2016, link student performance and progress to school and district leaders, including superintendents, principals and other district or school leaders serving in a similar capacity. The assessment system shall ensure the ~~integrity of~~ integrity of student performance measurements used at each grade level ~~to enable~~ are valid for the purposes for which they are being used, including valid year-to-year comparisons of student and school level results, and shall be sufficient to ~~capture~~ produce necessary data to enable application of measures of performance indicators as required under W.S. 21-2-204;

Section 3.

(a) Notwithstanding 2012 Wyoming Session Laws, Chapter 101, Section 6(c), the select committee on statewide education accountability, as created under 2011 Wyoming Session Laws, Chapter 184, Section 4, and continued under 2012 Wyoming Session Laws, Chapter 101, Section 4, shall continue a study of a teacher and school district leader evaluation and accountability system. This system shall comprise phase II of the statewide education

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accountability system as initiated by 2011 Wyoming Session Laws, Chapter 184, Section 4(g). The design framework for the teacher and school district leader evaluation and accountability system shall:

(i) Support and promote improvement in student learning in Wyoming schools;

(ii) Be designed coherently to support a system of continuous school improvement, working seamlessly with phase I of the school accountability system established under W.S. 21-2-204 and fostering collaboration among teachers, administrators and other public education stakeholders;

(iii) Be designed and implemented with integrity and incorporate transparency necessary for all relevant participants to clearly understand expectations, including identification of an appropriate methodology to link student performance to the performance of teachers and school and district leaders as necessary for creation and implementation of an accountability system under W.S. 21-2-204 and 21-2-304;

(iv) Be designed to promote opportunities for meaningful professional growth of teachers and school district leaders;

(v) Allow for flexibility to fit local district and community contexts and needs.

(b) Using minimum requirements specified under 2012 Wyoming Session Laws, Chapter 101, Section 6(c), the select committee, through the advisory committee established under 2011 Wyoming Session Laws, Chapter 184, Section 4(d), and continued under 2012 Wyoming Session Laws, Chapter 101,

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Section 4(b), shall develop recommendations for the phase II teacher and school district leader evaluation and accountability system based upon evidence of student learning as well as measures of professional educator practice organized according to five (5) domains, each weighted relatively equally, and specified as follows:

(i) Learner development and learning differences and environments;

(ii) Content knowledge and application of content;

(iii) Instructional practice including assessment, planning for instruction and instructional strategies;

(iv) Professional responsibility including professional learning and ethical practice and leadership and collaboration;

(v) Evidence of student learning.

(c) Recommendations on the design framework for the teacher and leader evaluation and accountability system developed by the advisory committee pursuant to this section shall focus on creating coherence among school, leader and teacher evaluation systems. In addition, recommendations by the advisory committee shall establish design documents to effectively communicate requirements to school districts, to create guidance and provide training to districts in implementing evaluation systems with fidelity and to design systems and structures for professional learning opportunities. The design framework shall expand the three (3) levels of performance descriptors prescribed under 2012 Wyoming Session Laws,

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Chapter 101, Section 6(c)(v), to four (4) levels of performance descriptors, specified as follows:

- (i) Highly effective performance;
- (ii) Effective performance;
- (iii) Performance in need of improvement; and
- (iv) Ineffective performance.

(d) On or before October 15, 2013, the advisory committee shall report to the select committee on statewide education accountability recommendations on the design of a teacher and leader evaluation and accountability system. System recommendations shall be designed such that the leader evaluation and accountability system is completed prior to finalization of the teacher evaluation and accountability system to enable effective participation by school leaders in the final design of the teacher evaluation and accountability system. Recommendations under this subsection shall not be bound by and may recommend rescission of existing rules and regulations pertaining to certified personnel evaluation systems, specifically including chapter 29, department of education rules and regulations. Recommendations reported under this subsection shall be subject to the following timelines for system implementation and piloting:

(i) During school year 2013-2014, the design shall enable provision of required training and professional learning opportunities to leaders, school board members and teachers, enable communication of system requirements to key stakeholders and shall pilot data collection methods and pilot selected accountability and

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evaluation system components based upon a sample of volunteer school districts;

(ii) During school year 2014-2015, the design shall continue provision of professional learning opportunities for key stakeholders, allow for system design revision based upon results of the voluntary pilot implemented during school year 2013-2014 and shall pilot all components of the leader evaluation and accountability system in all school districts, and components of the teacher evaluation and accountability system in all school districts which may be structured in a manner that requires each school district to implement only a partial system comprised of selected components, but allows all teacher system components to be piloted through a collection of partial assessments in all school districts during this school year;

(iii) During school year 2015-2016, the design shall be reviewed and may be revised as necessary based upon the school year 2014-2015 pilot, continue provision of professional learning opportunities based on needs identified through the school year 2014-2015 pilot, conduct initial peer review of school district evaluation models according to guidelines for the peer review process as specified in the report required under subsection (e) of this section, disseminate to school districts best practices based upon peer review results and require all school districts to implement leader evaluation and accountability systems and to pilot all teacher system components;

(iv) During school year 2016-2017, the system design shall be reviewed and may be revised based upon the school year 2015-2016 pilot, continue provision of professional learning opportunities based upon needs

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identified in the school year 2015-2016 pilot, conduct a second peer review of school district evaluation models as specified in the report required under subsection (e) of this section, disseminate to school district best practices based upon peer review results and require all school districts to implement teacher evaluation and accountability systems and continue implementation of leader evaluation and accountability systems subject to system revisions based upon review of the 2015-2016 initial implementation year.

(e) Based upon the report and recommendations submitted by the advisory committee, the select committee shall report its findings and recommendations, including necessary enabling legislation, to the legislature for consideration during the 2014 budget session.

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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