

ENROLLED ACT NO. 116, HOUSE OF REPRESENTATIVES

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

AN ACT relating to education accountability; extending timelines specified for phase I of the accountability system under the Wyoming Accountability in Education Act; clarifying specified assessment and accountability provisions; modifying accountability system college readiness measures as specified; modifying duties and tasks of phase I development and initial implementation; modifying school district assessment requirements for determining graduation eligibility; authorizing rulemaking and requiring reporting; providing compensation, mileage and per diem for state board members; providing appropriations and support for system development; and providing for an effective date.

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

**Section 1.** W.S. 21-2-204(b)(intro), (c)(iv), by creating a new paragraph (vii), (d)(intro), (e)(intro), (h)(intro), (i)(intro) and (j), 21-2-303, 21-2-304(a)(iv)(intro) and 21-3-110(a)(xxiv) are amended to read:

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

(b) A statewide education accountability system shall be established by the state board through the department of education in accordance with this section, which implements the components of the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and as contained in Attachment "A" as defined under W.S. 21-13-101(a)(xvii). The first phase of this system shall be a school-based system that is based on student performance as determined through multiple measures of school performance. The goals of the Wyoming Accountability in Education Act are to:

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(c) School level performance shall be determined by measurement of performance indicators and attainment of student performance as specified by this section. To the extent applicable, each measure shall be aggregated to the school level based upon those grades served inclusive to each school as reported by the respective school district to the department of education. The indicators of school level performance shall be:

(iv) Readiness, as defined by a standardized achievement college entrance examination ~~or the computer adaptive college placement assessment~~ administered pursuant to W.S. 21-2-202(a)(xxx) in ~~grades~~ grade eleven (11), ~~and twelve (12) together with a readiness indicator defined by a series of student eligibility data reports generated under the Hathaway student scholarship program established by W.S. 21-16-1301 through 21-16-1310,~~ with school level results aggregated according to a procedure in which values and weights determined by a deliberate method are tied to specified definitions of post secondary readiness;

(vii) Equity as defined by a measure of academic student growth for nonproficient students in reading and mathematics, subject to a standard for academic progress that is linked to attainment of proficiency within a reasonable period of time. If a school is without a sufficient sequence of assessment scores to support growth computations, another approach to equity may be used subject to approval of the director.

(d) Beginning in school year ~~2012-2013-2013-2014~~, 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 (c) of this section.

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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:

(e) The state board, through the department of education, shall compile, evaluate and determine the target levels for an overall school performance rating and for content level performance. This determination by the board shall be developed through a prescribed deliberative process informed by a panel comprised of broad based representation from both public education and the community at-large. 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 (k) of this section and shall be used by the state board through the department to:

(h) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be combined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. In establishing a reporting system under this subsection, the ~~state board~~ department shall describe the performance of each public school in Wyoming. The performance report shall:

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(i) Include an overall school performance rating along with ratings for each of the indicators and content levels in the accountability system that:

(j) Beginning school year ~~2013-2014~~2014-2015, and each school year thereafter, the state board shall through the director, annually review the statewide education 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, intervention and consequences. Not later than September 1, ~~2014~~2015, and each September 1 thereafter, the state board 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.

**21-2-303. Expenses.**

All appointed members of the state board shall receive ~~travel expenses, for compensation~~, per diem, and mileage ~~expense~~for actual time spent in performance of their duties and traveling expenses while in attendance, and going to and from board meetings in the same manner and amount as ~~employees of the state~~members of the Wyoming legislature.

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

(a) The state board of education shall:

(iv) Effective school year 2013-2014, and each school year thereafter, require district administration of

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common benchmark adaptive assessments statewide in reading and mathematics for grades one (1) through eight (8) in accordance with W.S. 21-3-110(a)(xxiv). The board shall also establish, in consultation with local school districts, requirements for students to earn a high school diploma as measured by each district's assessment system prescribed by rule and regulation of the state board and required under W.S. 21-3-110(a)(xxiv). Beginning school year 2014-2015, and each school year thereafter, each district's assessment system shall include a measure or multiple measures for purposes of determining completion of high school graduation requirements. The state board shall by rule and regulation establish guidelines for district development of this measure or measures, and shall through the department of education, provide support to districts in developing each district's measure or measures. The state board shall through the department, annually review and approve each district's assessment system designed to determine the various levels of student performance and the attainment of high school graduation requirements. A high school diploma shall provide for one (1) of the following endorsements which shall be stated on the transcript of each student:

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

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

(xxiv) Establish a student assessment system to measure student performance relative to the uniform student content and performance standards in all content areas for which the state board has promulgated standards pursuant to W.S. 21-2-304(a)(iii). To the extent required by W.S. 21-2-204 and 21-2-304(a)(vii), the district assessment system shall be integrated with the statewide assessment

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system and the statewide accountability system. Components of the district assessment system required by this paragraph shall be designed and used to determine the various levels of student performance and attainment of high school graduation as described in the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b). Beginning school year 2014-2015 and each school year thereafter, a component of the district assessment system shall include a measure or multiple measures used to determine satisfactory completion of high school graduation requirements and developed in accordance with guidelines established by the state board. The district shall on or before August 1, 2015, and each August 1 thereafter, report to the state board in accordance with W.S. 21-2-304(a)(iv) on its assessment system established under this paragraph. Beginning school year 2013-2014 and each school year thereafter, a component of the district assessment system shall include common benchmark adaptive assessments for reading and mathematics in grades two (2) through eight (8), common to all districts statewide, administered at least two (2) times during any one (1) school year and administered once in grade one (1). An additional component of the district assessment system shall continue the longitudinal study of summer school program effectiveness which uses a single common benchmark adaptive assessment in reading and mathematics administered for summer school and extended day intervention and remediation programs in accordance with W.S. 21-13-334(h)(iv);

**Section 2.** W.S. 21-2-202(a)(xxx), 21-2-204(f)(intro), (v) and (vi), 21-2-304(a)(v)(E) and (vi) and 21-3-110(a)(xxix), as amended by 2013 Wyoming Session Laws, Chapter 1, Section 2, are amended to read:

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**21-2-202. Duties of the director.**

(a) In addition to any other duties assigned by law, the director shall:

(xxx) Effective school year 2012-2013 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized, curriculum based, achievement college entrance examination, computer-adaptive college placement assessment and a job skills assessment test selected by the director to all students in the eleventh and twelfth grades throughout the state in accordance with this paragraph. The examinations and tests selected by the director, shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, writing, mathematics and science for all students in grade eleven (11). The jobs skills assessment test shall be optional for all students in grade eleven (11) and shall at a minimum test in the areas of applied math, reading for information and locating information. The director shall pay all costs associated with administering the college entrance examination, the computer-adaptive college placement assessment and the jobs skills assessment test and shall schedule a day during which examinations shall be provided. ~~and one (1) shall be administered to all eleventh and twelfth grade students throughout the state.~~ The date for administration of the college entrance examination in grade eleven (11) shall be selected so that following receipt of scores, students may timely register for senior year classes which may be necessary to allow the student to qualify for a state provided scholarship. The computer adaptive college placement assessment shall be optional and all students in

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grade twelve (12) shall be provided at least one (1) opportunity to take the ~~computer-adaptive college placement assessment in the spring during the school year~~. The director may enter into agreements with an administrator of the college entrance examination and the computer-adaptive college placement assessment and an administrator of the jobs skills assessment test and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment. Waivers may be granted for the examinations and tests required by this paragraph for students with disabilities in accordance with the provisions of the federal No Child Left Behind Act of 2001 and the federal Individuals with Disabilities Education Act. ~~Alternative~~ Alternate assessments and accommodations ~~may~~ shall be offered by the director in accordance with rule and regulation;

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

(f) A progressive multi-tiered system of support, intervention and consequences to assist schools shall be established by the ~~state board~~ director, and shall conform to the January 2012 education accountability report as defined by subsection (k) of this section. The system shall clearly identify and prescribe the actions for each level of support, intervention and consequence. Commencing with school year ~~2013-2014~~ 2014-2015, and each school year thereafter, the director shall take action based upon system results according to the following:

(v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The director shall appoint a



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representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The director shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be recommended by the school district superintendent and approved by the local board of trustees ~~and submitted to the school district superintendent~~ prior to submission to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may be grounds for dismissal of the school principal;

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**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 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:

(E) ~~Include~~ Use only multiple ~~measures~~ choice items to ensure alignment to the statewide content and performance standards, ~~including multiple choice items.~~ For the writing and language assessment only, include multiple measures and item types to ensure alignment, which may include grade appropriate open response tasks, constructed and extended response items as appropriate;

(vi) Subject to and in accordance with W.S. 21-2-204, through the director 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 achievement, growth, and readiness and equity as required by W.S. 21-2-204. The

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state board, through the director, shall establish performance targets as required by W.S. 21-2-204(e), establish a progressive multi-tiered system of supports, interventions and consequences as required by W.S. 21-2-204(f) and shall establish a statewide reporting system pursuant to W.S. 21-2-204(h). The system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule and regulation provide for annual accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences and supports resulting from accountability determinations;

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

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

(xxix) Beginning in school year 2012-2013, and each school year thereafter, administer a program where all students enrolled in the eleventh and twelfth grades in the district shall be required to take or be provided the opportunity to take, on a date specified by the director of the department of education, a standardized, curriculum based, achievement college entrance examination, a computer-adaptive college placement assessment or a jobs skills assessment test in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh and twelfth grades and residing within the district to take the examinations or the jobs skills assessment test at no cost to the student on the same date administered to all eleventh and twelfth grade public

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school students in the state. The results of the examinations or jobs skills assessment test taken shall be included in each student's transcript;

**Section 3.** 2011 Wyoming Session Laws, Chapter 184, Section 4(d)(vii) is amended to read:

**Section 4.**

(d) The select committee on statewide education accountability shall be assisted by an advisory committee to provide information to the select committee as it deems necessary to carry out this section. The advisory committee shall consist of the following members:

(vii) A representative of the department of education designated by the ~~state superintendent of public instruction~~ director of the department;

**Section 4.** W.S. 21-2-204(g) is repealed.

**Section 5.**

(a) Notwithstanding 2012 Wyoming Session Laws, Chapter 101, Section 5, and subject to the advice and guidance of the state board, the department of education shall develop phase I of the pilot statewide education accountability system in accordance with components prescribed by W.S. 21-2-204 and 21-2-304(a)(vi). Specifically, the phase I pilot accountability system development shall:

(i) Refine and correct components of the pilot accountability system, as developed by the state board

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submitted in a November 2012 report to the select committee on statewide education accountability, which is in a manner that is in accordance with the January, 2012 education accountability report and W.S. 21-2-204. In executing this paragraph, the department shall develop a model reflecting refined and corrected components that is based upon:

(A) Technically defensible computations of achievement, growth, equity and readiness, with proper consideration provided for inclusion and attribution requirements; and

(B) Data analyses to evaluate the reliability and validity of each component and the overall accountability system, conducted in a manner consistent with the January, 2012 education accountability report.

(ii) Include completion of business rules required for the implementation and administration of a fully operational phase I pilot accountability system refined and corrected under paragraph (i) of this subsection, including alternative schools under W.S. 21-13-309(m) (v) (B);

(iii) Reconvene the Wyoming education accountability professional judgment panel established under 2012 Wyoming Session Laws, Chapter 101, Section 5(b)(ii), expanded as deemed necessary by the department and the state board to include additional and alternative members beyond those members specified under law. The professional judgment panel shall be used by the department in developing and establishing target performance levels specified under W.S. 21-2-204(e);

(iv) Use available data from prior school years to demonstrate operation of the phase I pilot system

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subject to business rules developed by the department under paragraph (ii) of this subsection and target performance levels determined by the professional judgment panel under paragraph (iii) of this subsection. The pilot system shall analyze and recommend possible use of results from the computer adaptive placement assessment in grade twelve (12) administered under W.S. 21-2-202(a)(xxx) in a manner that is technically valid and defensible. The results from the computer adaptive placement assessment shall be aggregated at the school level, as a measure of post secondary readiness, and shall include specific values and weights for incorporation into the phase I pilot system;

(v) In consultation with the advisory committee to the select committee on statewide education accountability created under 2011 Wyoming Session Laws, Chapter 184, Section 4(d), as amended by section 3 of this act, and continued under 2012 Wyoming Session Laws, Chapter 101, Section 4(b), design a multi-tiered system of support, interventions and consequences which is coordinated with school performance determinations and complies with W.S. 21-2-204(f). The system of support shall be specified in a design document and implementation plan.

(b) Not later than October 15, 2013, the state board, through the department, shall submit a report on phase I of the pilot statewide education accountability system developed under this section to the select committee on statewide education accountability established under 2011 Wyoming Session Laws, Chapter 184, Section 4, and continued by 2012 Wyoming Session Laws, Chapter 101, Section 4. Based upon this report, the select committee shall report its findings and recommendations to the Wyoming legislature prior to the 2014 budget session, including implementing legislation and a timeline for implementation when applicable.

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(c) Notwithstanding W.S. 21-2-204 and 21-2-304, the state board and the department of education shall investigate options available to the state for future assessment system development. The state board, through the department, shall periodically report to the select committee on statewide education accountability regarding the status of assessment development, investigation of options available to the state and the impact of existing law governing statewide assessments on future assessment development. The select committee shall report to the 2014 legislature on any necessary legislation supporting future assessment development.

(d) The department of education shall continue work necessary to secure a waiver from the federal department of education allowing the use of the standardized achievement college entrance examination administered in grade eleven (11) as required by 2012 Wyoming Session Laws, Chapter 101, Section 3(a).

(e) The state board and department of education, in implementing W.S. 21-2-304(a)(iv) and 21-3-110(a)(xxiv), as amended by section 1 of this act, pertaining to development of guidelines for measures to be included within school district assessment systems for purposes of determining successful completion of high school graduation requirements, shall periodically report progress to the select committee. A report with final recommendations on guidelines shall be included within the October 15, 2013, report required under subsection (b) of this section.

(f) In carrying out duties prescribed by this section, and in addition to outreach provided by members of the advisory committee to the select committee as created by 2011 Wyoming Session Laws, Chapter 184, Section 4(d), as

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amended by section 3 of this act, the state board through the department of education shall provide outreach activities and communications to school districts and to local communities coinciding with the development of components of the report required by subsection (b) of this section, and with the development of recommendations contained within this report. Comments generated from district and local community outreach activities shall be considered by the board and the department in executing requirements imposed under this section, and shall be included within the report submitted to the select committee pursuant to subsection (b) of this section.

**Section 6.**

(a) For the period commencing on the effective date of this section and ending June 30, 2014, up to two hundred fifty thousand dollars (\$250,000.00) is appropriated from the school foundation program account to the department of education to carry out duties imposed by this act upon the department and the state board. This appropriation may be expended for acquisition of necessary professional consulting expertise. The department and state board shall report expenditures of amounts appropriated under this subsection to members of the select committee on statewide education accountability on or before January 15, 2014.

(b) In addition to support provided to the state board of education and the department of education under subsection (a) of this section, the legislative service office, through acquired professional consulting expertise, shall assist the department and state board in carrying out the provisions of this act.



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**Section 7.** 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