

HOUSE BILL NO. HB0162

Education-content and performance standards.

Sponsored by: Representative(s) Teeters

A BILL

for

1 AN ACT relating to education content and performance
 2 standards; modifying the process for revision of the
 3 content and performance standards; requiring the
 4 legislature to adopt content and performance standards as
 5 specified; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 21-2-304(a)(iii)(intro), (iv)(A)
 10 through (C) and (c), 21-2-307(b), 21-3-110(a)(xv) and
 11 (xxiv), 21-3-308(g), 21-9-101(a) and (b)(intro),
 12 21-13-101(a)(v), 21-13-330(f)(ii), 21-13-334(a)(iii) and
 13 21-16-1307(f)(intro) are amended to read:

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15 **21-2-304. Duties of the state board of education.**

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17 (a) The state board of education shall:

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(iii) ~~By rule and regulation and~~ In consultation and coordination with local school districts, ~~prescribe~~ recommend to the legislature uniform student content and performance standards for the common core of knowledge and the common core of skills specified under W.S. 21-9-101(b), and ~~promulgate~~ uniform standards for programs addressing the special needs of student populations specified under W.S. 21-9-101(c) that ensure these student populations are provided the opportunity to learn the common core knowledge and skills. ~~as prescribed by the uniform student content and performance standards pursuant to this paragraph.~~ Student content and performance standards ~~prescribed~~ recommended under this paragraph shall include recommended standards for graduation from any high school within any school district of this state and shall describe required recommended performance levels in order to achieve proficiency of the common core of knowledge and common core of skills. ~~prescribed under W.S. 21-9-101(b). The ability to prescribe content and performance standards shall not~~ Nothing in this section shall be construed to give the state board of education the authority to prescribe textbooks or curriculum which the state board is hereby forbidden to do. Graduation standards ~~imposed under this~~

1 ~~paragraph~~ shall require the successful completion of the
2 following components, as evidenced by passing grades or by
3 the successful performance on competency-based equivalency
4 examinations:

5
6 (iv) Effective school year 2013-2014, and each
7 school year thereafter, require district administration of
8 common benchmark adaptive assessments statewide in reading
9 and mathematics for grades one (1) through eight (8) in
10 accordance with W.S. 21-3-110(a)(xxiv). The board shall
11 also establish, in consultation with local school
12 districts, requirements for students to earn a high school
13 diploma as measured by each district's assessment system
14 prescribed by rule and regulation of the state board and
15 required under W.S. 21-3-110(a)(xxiv). Beginning school
16 year 2014-2015, and each school year thereafter, each
17 district's assessment system shall include a measure or
18 multiple measures for purposes of determining completion of
19 high school graduation requirements. The state board shall
20 by rule and regulation establish guidelines for district
21 development of this measure or measures, and shall through
22 the department of education, provide support to districts
23 in developing each district's measure or measures. The
24 state board shall through the department, annually review

1 and approve each district's assessment system designed to
2 determine the various levels of student performance and the
3 attainment of high school graduation requirements. A high
4 school diploma shall provide for one (1) of the following
5 endorsements which shall be stated on the transcript of
6 each student:

7
8 (A) Advanced endorsement which requires a
9 student to demonstrate advanced performance in a majority
10 of the areas of the common core of knowledge and skills
11 specified under W.S. 21-9-101(b) and proficient performance
12 in the remaining areas of the specified common core of
13 knowledge and skills, as defined by the uniform student
14 content and performance standards ~~promulgated by the state~~
15 ~~board pursuant to paragraph (a)(iii) of this section~~ as
16 enacted by the legislature;

17
18 (B) Comprehensive endorsement which
19 requires a student to demonstrate proficient performance in
20 all areas of the common core of knowledge and skills
21 specified under W.S. 21-9-101(b) as defined by the uniform
22 student content and performance standards ~~promulgated by~~
23 ~~the state board pursuant to paragraph (a)(iii) of this~~
24 ~~section~~ as enacted by the legislature;

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(C) General endorsement which requires a student to demonstrate proficient performance in a majority of the areas of the common core of knowledge and skills specified under W.S. 21-9-101(b) as defined by the uniform student content and performance standards ~~promulgated by the state board pursuant to paragraph (a)(iii) of this section~~ as enacted by the legislature.

(c) The state board shall perform an ongoing review of state board duties prescribed by law and may make recommendations to the legislature on board duties. In addition and not less than once every five (5) years, the board shall evaluate and review the uniformity and quality of the educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the student content and performance standards ~~promulgated under paragraph (a)(iii) of this section~~ as enacted by the legislature, and shall report findings and recommendations to the joint education interim committee of the legislature on or before ~~December~~ November 1 of the year in which the review and evaluation was undertaken. The report shall include recommendations under paragraph (a)(iii) of this section. The joint education interim committee shall report its

1 recommendations, based upon findings and recommendations of
2 the state board and following a process which includes
3 analysis and evaluation of state board recommendations and
4 opportunity for public hearing, to the legislature during
5 the immediately following legislative session. Effective
6 April 15, 2015 and each year thereafter, the legislature
7 shall adopt content and performance standards imposed under
8 W.S. 21-9-101 and 21-9-102 and performance levels necessary
9 to achieve proficiency of the common core of knowledge and
10 common core of skills.

11
12 **21-2-307. State board of vocational education;**
13 **duties.**

14
15 (b) In addition to other duties assigned under W.S.
16 21-2-304, the state board shall review career-vocational
17 education programs offered by school districts to ensure
18 the programs satisfactorily serve the needs of students
19 within the state and are aligned with state content and
20 performance standards ~~prescribed in accordance with W.S.~~
21 ~~21-2-304(a)(iii)~~ as enacted by the legislature.

22
23 **21-3-110. Duties of boards of trustees.**
24

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

3

4 (xv) Provide an educational program within the
5 schools under its jurisdiction in compliance with uniform
6 state standards prescribed under W.S. 21-9-101 and 21-9-102
7 and ~~by rule and regulation of the state board~~ as enacted by
8 the legislature;

9

10 (xxiv) Establish a student assessment system to
11 measure student performance relative to the uniform student
12 content and performance standards in all content areas for
13 which ~~the state board has promulgated~~ the legislature has
14 enacted standards. ~~pursuant to W.S. 21-2-304(a)(iii).~~ To
15 the extent required by W.S. 21-2-204 and 21-2-304(a)(vii),
16 the district assessment system shall be integrated with the
17 statewide assessment system and the statewide
18 accountability system. Components of the district
19 assessment system required by this paragraph shall be
20 designed and used to determine the various levels of
21 student performance and attainment of high school
22 graduation as described in the uniform student content and
23 performance standards relative to the common core of
24 knowledge and skills prescribed under W.S. 21-9-101(b).

1 Beginning school year 2014-2015 and each school year
2 thereafter, a component of the district assessment system
3 shall include a measure or multiple measures used to
4 determine satisfactory completion of high school graduation
5 requirements and developed in accordance with guidelines
6 established by the state board. The district shall on or
7 before August 1, 2015, and each August 1 thereafter, report
8 to the state board in accordance with W.S. 21-2-304(a)(iv)
9 on its assessment system established under this paragraph.

10 Beginning school year 2013-2014 and each school year
11 thereafter, a component of the district assessment system
12 shall include common benchmark adaptive assessments for
13 reading and mathematics in grades two (2) through eight
14 (8), common to all districts statewide, administered at
15 least two (2) times during any one (1) school year and
16 administered once in grade one (1). An additional
17 component of the district assessment system shall continue
18 the longitudinal study of summer school program
19 effectiveness which uses a single common benchmark adaptive
20 assessment in reading and mathematics administered for
21 summer school and extended day intervention and remediation
22 programs in accordance with W.S. 21-13-334(h)(iv);
23

1 **21-3-308. Hearing by local board; prohibited actions**
2 **by local board; criteria; compliance with state standards;**
3 **state board review; contractual authority.**

4
5 (g) Charter schools shall meet the state uniform
6 educational program standards imposed upon public schools
7 by W.S. 21-9-101 and 21-9-102 and the uniform state student
8 content and performance standards ~~prescribed by the state~~
9 ~~board of education under W.S. 21-2-304~~ as enacted by the
10 legislature, including compliance with requirements under
11 the statewide assessment system pursuant to W.S.
12 21-2-304(a)(v).

13
14 **21-9-101. Educational programs for schools;**
15 **standards; core of knowledge and skills; special needs**
16 **programs; class size requirements; cocurricular activities.**

17
18 (a) The board of trustees of each school district
19 within the state shall cause the schools under its
20 jurisdiction to provide an educational program in
21 accordance with uniform standards ~~defined under this~~
22 ~~section and rules and regulations promulgated by the state~~
23 ~~board of education pursuant to W.S. 21-2-304(a)~~ enacted by
24 the legislature.

1

2 (b) Each school district within the state shall
3 provide educational programs sufficient to meet uniform
4 student content and performance standards at the level
5 established by the ~~state board of education~~ legislature in
6 the following areas of knowledge and skills:

7

8 **21-13-101. Definitions.**

9

10 (a) As used in this chapter:

11

12 (v) "Foundation program" means the level of
13 funding which is to be made available to each district
14 under this article so that each district is able to comply
15 with the state uniform educational program standards
16 imposed under W.S. 21-9-101 and 21-9-102 and the uniform
17 state student content and performance standards ~~prescribed~~
18 enacted by the ~~state board of education under W.S.~~
19 ~~21-2-304(a)(v)~~ legislature;

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21 **21-13-330. Distance education; program content;**
22 **distance learning plan required; students within ADM of**
23 **resident district; agreements with districts authorized.**

24

1 (f) As used in this section:

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3 (ii) "Distance learning plan" means an agreement
4 between the school district or districts, a student and his
5 parents or guardian outlining the distance education
6 program requested by the student and his parents or
7 guardian, together with expectations and achievable
8 performance benchmarks required for completion of the
9 program in accordance with content and performance
10 standards ~~promulgated by the state board under W.S.~~
11 ~~21-2-304(a)(iii)~~ enacted by the legislature;

12

13 **21-13-334. Supplemental at-risk financial assistance**
14 **program for summer school and extended day intervention and**
15 **remediation programs.**

16

17 (a) The supplemental at-risk financial assistance
18 program for summer school and extended day intervention and
19 remediation programs is established to augment resources
20 contained within the education resource block grant model
21 for addressing the needs of students who are not performing
22 at proficient levels and shall provide financial assistance
23 to districts for the provision of intervention and
24 remediation instruction to academically at-risk students

1 beyond the required school year specified by law under W.S.
2 21-4-301 and 21-13-307(a)(ii). Financial assistance under
3 this section shall:

4
5 (iii) At minimum, be made available to students
6 requiring additional instruction utilizing enriched
7 learning strategies or other remedial methods to master
8 statewide content and performance standards ~~prescribed by~~
9 ~~the state board of education under W.S. 21-2-304(a)(iii)~~
10 enacted by the legislature or otherwise seeking credit
11 recovery for promotion to the subsequent grade level.

12

13 **21-16-1307. Success curriculum; test standards.**

14

15 (f) The courses set forth as success curricula
16 requirements under this article shall be aligned with the
17 student content and performance standards ~~established~~
18 ~~pursuant to W.S. 21-2-304(a)(iii)~~ enacted by the
19 legislature. The department shall by rule and regulation:

20

21 **Section 2.** W.S. 21-2-202(c), 21-2-304(a)(v)(A) and
22 (b)(ii) and 21-13-309(m)(v)(D)(II), as amended by 2013
23 Wyoming Session Laws, Chapter 1, are amended to read:

24

1 **21-2-202. Duties of the director.**

2

3 (c) In addition to subsection (a) of this section,
4 the director may take appropriate administrative action
5 with the state board as necessary, including but not
6 limited to the changing of accreditation status, against
7 any school district or state institution failing to comply
8 with any applicable law or with the uniform educational
9 program standards specified under W.S. 21-9-101 and
10 21-9-102 and the student content and performance standards
11 ~~prescribed~~ enacted by the ~~state board~~ legislature.

12

13 **21-2-304. Duties of the state board of education.**

14

15 (a) The state board of education shall:

16

17 (v) Through the director and in consultation and
18 coordination with local school districts, implement a
19 statewide assessment system comprised of a coherent system
20 of measures that when combined, provide a reliable and
21 valid measure of individual student achievement for each
22 public school and school district within the state, and the
23 performance of the state as a whole. Statewide assessment
24 system components shall be in accordance with requirements

1 of the statewide education accountability system pursuant
2 to W.S. 21-2-204. Improvement of teaching and learning in
3 schools, attaining student achievement targets for
4 performance indicators established under W.S. 21-2-204 and
5 fostering school program improvement shall be the primary
6 purposes of statewide assessment of student performance in
7 Wyoming. The statewide assessment system shall:

8

9 (A) Measure individual student performance
10 and progress in a manner substantially aligned with the
11 uniform educational program and student content and
12 performance standards imposed by law; ~~and by board rule and~~
13 ~~regulation;~~

14

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

18

19 (ii) Enforce the uniform state educational
20 program standards imposed by W.S. 21-9-101 and 21-9-102 and
21 the uniform student content and performance standards
22 ~~established by rules and regulations adopted under~~
23 ~~subsection (a) of this section~~ enacted by the legislature,
24 together with student performance indicators established

1 and measured pursuant to W.S. 21-2-204, by taking
2 appropriate administrative action with the director,
3 including but not limited to the changing of accreditation
4 status;

5

6 **21-13-309. Determination of amount to be included in**
7 **foundation program for each district.**

8

9 (m) In determining the amount to be included in the
10 foundation program for each district, the director shall:

11

12 (v) Based upon ADM computations and identified
13 school configurations within each district pursuant to
14 paragraph (iv) of this subsection, compute the foundation
15 program amount for each district as prescribed by the
16 education resource block grant model adopted by the Wyoming
17 legislature as defined under W.S. 21-13-101(a)(xiv), as
18 contained within the spreadsheets and accompanying reports
19 referenced under W.S. 21-13-101(a)(xvii), on file with the
20 secretary of state and maintained by the director pursuant
21 to W.S. 21-2-202(e). The following criteria shall be used
22 by the director in the administration of the education
23 resource block grant model:

24

1 (D) Career-vocational education
2 computations within the education resource block grant
3 model shall be based upon:
4

5 (II) Career-vocational education
6 programs offered in grades nine (9) through twelve (12)
7 consisting of a sequence of three (3) or more vocational
8 courses in an occupational area or career cluster that
9 provides students with the technical knowledge, skills or
10 proficiencies necessary to obtain employment in current or
11 emerging occupations or to pursue advanced skill training.
12 To qualify under this subdivision, a vocational course
13 shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and
14 aligned with state content and performance standards
15 ~~prescribed by the state board of education under W.S.~~
16 ~~21-2-304(a)(iii)~~ as enacted by the legislature, and except
17 as provided under W.S. 21-2-202(a)(xxvii), shall be
18 provided by a teacher certified by the Wyoming professional
19 teaching standards board for the vocational subject area
20 associated with the course;
21

22 **Section 3.** W.S. 21-2-202(c), 21-2-304(a)(v)(A) and
23 (b)(ii) and 21-13-309(m)(v)(D)(II), as in effect prior to

1 the enactment of 2013 Wyoming Session Laws, Chapter 1, are
2 amended to read:

3

4 **21-2-202. Duties of the state superintendent.**

5

6 (c) In addition to subsection (a) of this section,
7 the state superintendent may take appropriate
8 administrative action with the state board as necessary,
9 including but not limited to the changing of accreditation
10 status, against any school district or state institution
11 failing to comply with any applicable law or with the
12 uniform educational program standards specified under W.S.
13 21-9-101 and 21-9-102 and the student content and
14 performance standards ~~prescribed~~enacted by the ~~state board~~
15 legislature.

16

17 **21-2-304. Duties of the state board of education.**

18

19 (a) The state board of education shall:

20

21 (v) Through the state superintendent and in
22 consultation and coordination with local school districts,
23 implement a statewide assessment system comprised of a
24 coherent system of measures that when combined, provide a

1 reliable and valid measure of individual student
2 achievement for each public school and school district
3 within the state, and the performance of the state as a
4 whole. Statewide assessment system components shall be in
5 accordance with requirements of the statewide education
6 accountability system pursuant to W.S. 21-2-204.
7 Improvement of teaching and learning in schools, attaining
8 student achievement targets for performance indicators
9 established under W.S. 21-2-204 and fostering school
10 program improvement shall be the primary purposes of
11 statewide assessment of student performance in Wyoming.

12 The statewide assessment system shall:

13

14 (A) Measure individual student performance
15 and progress in a manner substantially aligned with the
16 uniform educational program and student content and
17 performance standards imposed by law; ~~and by board rule and~~
18 ~~regulation;~~

19

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

23

1 (ii) Enforce the uniform state educational
2 program standards imposed by W.S. 21-9-101 and 21-9-102 and
3 the uniform student content and performance standards
4 ~~established by rules and regulations adopted under~~
5 ~~subsection (a) of this section~~ as enacted by the
6 legislature, together with student performance indicators
7 established and measured pursuant to W.S. 21-2-204, by
8 taking appropriate administrative action with the state
9 superintendent, including but not limited to the changing
10 of accreditation status;

11

12 **21-13-309. Determination of amount to be included in**
13 **foundation program for each district.**

14

15 (m) In determining the amount to be included in the
16 foundation program for each district, the state
17 superintendent shall:

18

19 (v) Based upon ADM computations and identified
20 school configurations within each district pursuant to
21 paragraph (iv) of this subsection, compute the foundation
22 program amount for each district as prescribed by the
23 education resource block grant model adopted by the Wyoming
24 legislature as defined under W.S. 21-13-101(a)(xiv), as

1 contained within the spreadsheets and accompanying reports
2 referenced under W.S. 21-13-101(a)(xvii), on file with the
3 secretary of state and maintained by the state
4 superintendent pursuant to W.S. 21-2-202(e). The following
5 criteria shall be used by the state superintendent in the
6 administration of the education resource block grant model:

7

8 (D) Career-vocational education
9 computations within the education resource block grant
10 model shall be based upon:

11

12 (II) Career-vocational education
13 programs offered in grades nine (9) through twelve (12)
14 consisting of a sequence of three (3) or more vocational
15 courses in an occupational area or career cluster that
16 provides students with the technical knowledge, skills or
17 proficiencies necessary to obtain employment in current or
18 emerging occupations or to pursue advanced skill training.
19 To qualify under this subdivision, a vocational course
20 shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and
21 aligned with state content and performance standards
22 ~~prescribed by the state board of education under W.S.~~
23 ~~21-2-304(a)(iii)~~ as enacted by the legislature, and except
24 as provided under W.S. 21-2-202(a)(xxvii), shall be

1 provided by a teacher certified by the Wyoming professional
2 teaching standards board for the vocational subject area
3 associated with the course;

4

5 **Section 4.**

6

7 (a) This act is effective immediately upon completion
8 of all acts necessary for a bill to become law as provided
9 by Article 4, Section 8 of the Wyoming Constitution, except
10 section 2 of this act is effective only if section 3 of
11 this act is not effective as provided by subsection (b) of
12 this section.

13

14 (b) If a final order by the district court of Laramie
15 County, Wyoming, is issued implementing without change the
16 final ruling of the Wyoming Supreme Court issued January
17 28, 2014, in the case of Kerry and Clara Powers, on behalf
18 of themselves and the citizens of Wyoming, and Cindy Hill,
19 on behalf of herself and as the Superintendent of Public
20 Instruction v. State of Wyoming and Matthew H. Mead,
21 Governor, in his official capacity [Docket No. S-13-0052],
22 then upon expiration of time for appeal of that order, or
23 if appealed, upon issuance of a final order or mandate of
24 the Wyoming Supreme Court confirming the district court

1 final order, the Governor shall certify the entry of the
2 district court final order. The Governor shall immediately
3 file any certification under this section together with the
4 final order with the secretary of state. Upon filing
5 certification with the secretary of state, section 3 of
6 this act is effective and shall supersede section 2 of this
7 act.

8

(END)