

HOUSE BILL NO. HB0126

State assessment-accountability system-2.

Sponsored by: Representative(s) Wasserburger and
Senator(s) Job

A BILL

for

1 AN ACT relating to public education; specifying
2 requirements for the statewide assessment of student
3 performance; establishing a statewide accountability system
4 for the state, school districts and schools with respect to
5 student performance; imposing duties upon the state board
6 of education and a statewide task force for statewide
7 assessment and accountability; specifying assessment
8 timelines and requiring a pilot test for the assessment
9 system; imposing reporting requirements; providing
10 appropriations; and providing for effective dates.

11

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

13

14 **Section 1.** W.S. 21-2-304(a)(v) and by creating a new
15 paragraph (vi) and 21-3-110(a)(xxiv) are amended to read:

16

1 **21-2-304. Duties of the state board of education.**

2

3 (a) The state board of education shall:

4

5 (v) Through the state superintendent and in
6 consultation and coordination with local school districts,
7 implement and maintain a statewide assessment system ~~for~~
8 ~~measuring~~ comprised of a coherent system of measures that
9 when combined, provide a reliable and valid measure of
10 individual student achievement for each public school and
11 school district within the state, and the performance of
12 the state as a whole. Improvement of teaching and learning
13 in schools and fostering school program improvement shall
14 be the primary purposes of statewide assessment of student
15 performance in Wyoming. The statewide assessment system
16 shall:

17

18 (A) Measure individual student performance
19 and progress ~~based upon~~ substantially aligned with the
20 uniform educational program and student content and
21 performance standards imposed by law and by board rule and
22 regulation; ~~The assessment system shall~~

23

1 (B) Be administered at appropriate levels
2 at specified grades and at appropriate intervals aligned to
3 the standards, ~~the assessment system shall be aligned to~~
4 ~~the statewide educational program standards, shall~~
5 specifically ~~assess~~ assessing student performance in
6 reading, writing and mathematics at grades four (4), eight
7 (8) and eleven (11), and effective school year 2005-2006,
8 and each school year thereafter, assessing student
9 performance in reading, writing and mathematics at grades
10 three (3) through eight (8) and at grade eleven (11). In
11 addition and commencing school year 2007-2008 and each
12 school year thereafter, the statewide assessment system
13 shall assess student performance in science not less than
14 once within each grade band for grades three (3) through
15 five (5), grades six (6) through eight (8) and grades ten
16 (10) through twelve (12). The structure and design of the
17 assessment system shall allow for the comprehensive
18 measurement of student performance through assessments that
19 are administered each school year simultaneously on a
20 statewide basis and through assessments administered
21 periodically over the course of the school year which are
22 designed to provide a more comprehensive and in-depth
23 measurement of subject areas aligned to the state content
24 and performance standards. The assessment system may also

1 measure the other common core of knowledge and skills
2 established under W.S. 21-9-101(b) which can be
3 quantified; ~~;~~

4

5 (C) In addition to subparagraph (a)(v)(B)
6 of this section, measure student performance in Wyoming on
7 a comparative basis with student performance nationally;

8

9 (D) Measure year-to-year changes in student
10 performance and progress in the subjects specified under
11 subparagraph (a)(v)(B) of this section and compare and
12 evaluate student achievement during the process of student
13 advancement through grade levels. The assessment system
14 shall ensure the integrity of student performance
15 measurements used at each grade level to enable valid year-
16 to-year comparisons;

17

18 (E) Include multiple measures and item
19 types including grade appropriate multiple choice and open-
20 ended testing such as constructed-response, extended-
21 response and performance-based tasks, to ensure alignment
22 to the statewide student content and performance standards;

23

1 (F) Provide a fair and unbiased assessment
2 of student performance without regard to race, ethnicity,
3 limited English proficiency and socioeconomic status;

4
5 (G) Provide appropriate accommodations or
6 alternative assessments to enable the assessment of
7 students with disabilities as specified under W.S.
8 21-9-101(c) (i) and students with limited English
9 proficiency;

10
11 (H) Provide a measure of accountability to
12 enhance teaching and learning in Wyoming and in combination
13 with other measures and information, assist school
14 districts in determining individual student progress. The
15 assessment results ~~will~~shall be reported to students,
16 parents, schools, school districts and the public in an
17 accurate, complete and timely manner and shall be used in
18 conjunction with a school district's annual assessment to
19 design educational strategies for improvement and
20 enhancement of student performance. This design for
21 improvement shall be part of each district's school
22 improvement plan. In consultation and coordination with
23 school districts, the board shall review and evaluate the
24 assessment system regularly and based upon uniform

1 statewide reports from each district, annually report to
2 the legislature on student performance at specified grade
3 levels and on school improvement plans.

4
5 (vi) Effective school year 2005-2006 and each
6 school year thereafter, through the state superintendent
7 and in consultation and coordination with local school
8 districts, by rule and regulation establish a statewide
9 accountability system providing annual accountability
10 determinations for all schools and school districts
11 imposing a range of educational consequences resulting from
12 accountability determinations whereby:

13
14 (A) The continuous improvement of student
15 achievement at all schools and appropriate educational
16 interventions fostering continuous improvement serve as the
17 basis for statewide accountability system design;

18
19 (B) Annual accountability determinations
20 within the system are made for each school based upon
21 adequate yearly progress measures defined by the federal No
22 Child Left Behind Act of 2001, as may be subsequently
23 amended, and the school's progress in improving student
24 achievement as measured by adequate yearly progress data

1 and by data from the district's body of evidence assessment
2 system required under W.S. 21-3-110(a) (xxiv) and from other
3 related sources which improve the reliability of
4 accountability determinations as prescribed by rule and
5 regulation of the board;

6
7 (C) To the extent possible, appropriate
8 consequences resulting from accountability determinations
9 are made subject to the discretion of school districts.
10 The system shall establish a range of consequences which
11 increase in the degree of intensity over time, with
12 significant interventions imposed only upon repeated
13 failure to meet school improvement and performance criteria
14 over a consecutive period of time;

15
16 (D) Teacher and administrator quality and
17 student remediation are the focus of consequences imposed
18 upon schools failing to meet school improvement and
19 performance criteria and target levels;

20
21 (E) A range of rewards is provided to
22 schools meeting school improvement and performance criteria
23 at levels set by the state board.

24

1 **21-3-110. Duties of boards of trustees.**

2

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

5

6 (xxiv) Establish a student assessment system to
7 measure student performance relative to the uniform student
8 content and performance standards in all content areas for
9 which the state board has promulgated standards pursuant to
10 W.S. 21-2-304(a)(iii). To the extent required by the state
11 board under W.S. 21-2-304(a)(v) and (vi), the district
12 assessment system shall be integrated with the statewide
13 assessment system and the statewide accountability system.

14 A component of the district assessment system required by
15 this paragraph shall include a body of evidence assessment
16 system designed and used to determine the various levels of
17 student performance as described in the uniform student
18 content and performance standards relative to the common
19 core of knowledge and skills prescribed under W.S.
20 21-9-101(b);

21

22 **Section 2.** [STATEWIDE TASK FORCE]

23

1 (a) The statewide task force established by 2003
2 Session Laws, Chapter 208, Section 201, shall in
3 consultation with the state board of education, the state
4 superintendent and the department of education, continue
5 the development, design and oversight of the implementation
6 of the statewide assessment system prescribed by W.S.
7 21-2-304(a)(v), as amended by section 1 of this act, to be
8 completed in sufficient time for implementation in the
9 2005-2006 school year. Any vacancy in the membership of
10 the task force shall be filled by the appointing authority
11 prescribed under 2003 Session Laws, Chapter 208, Section
12 201(b). At its first meeting following the effective date
13 of this act, the task force shall select a chairman from
14 among its membership to conduct task force meetings and
15 during periods between task force meetings and on behalf of
16 the task force, to work with staff to the task force, the
17 state board, the state superintendent and the department of
18 education. For purposes of carrying out the requirements
19 of this section and to ensure the assessment system adheres
20 to principles of sound education policy and test
21 measurement, necessary technical, policy and legal experts
22 and representatives from the education community and
23 federal and state governmental agencies shall be assembled

1 on behalf of the task force through the state
2 superintendent and the department of education.

3

4 (b) In designing the statewide assessment system and
5 overseeing the implementation of subsection (a) of this
6 section, the task force shall ensure the assessment system
7 contains the following:

8

9 (i) Criteria defining levels of student
10 performance on statewide assessments, as established by the
11 state board of education and developed by the department of
12 education;

13

14 (ii) A sufficient scope and extent of state
15 education program content and performance standards
16 necessary to ensure appropriate coverage of the full depth
17 and breadth of state standards as required by the federal
18 No Child Left Behind Act of 2001;

19

20 (iii) A framework which clearly specifies the
21 relationship between assessments periodically administered
22 over the course of the school year and the assessment
23 simultaneously administered statewide at the end of the
24 school year;

1

2 (iv) Statewide guidelines governing the types
3 and approximate portions of assessment items within
4 assessments administered periodically throughout the school
5 year and prescribing a process for establishing the use and
6 extent of periodic assessments within the statewide
7 assessment system.

8

9 (c) In addition to subsection (b) of this section,
10 the task force shall in consultation with the state board
11 of education, the state superintendent and the department
12 of education, investigate the costs associated with
13 consequences imposed by the statewide accountability system
14 established under W.S. 21-2-304(a)(vi) as amended under
15 section 1 of this act, which implicate state, school
16 district and individual school response and action over and
17 above existing practices and levels of services provided in
18 accordance with requirements and programs in effect prior
19 to implementation of this system.

20

21 **Section 3.** [STUDENT ASSESSMENT TRANSITION PROCESS]

22

23 (a) In addition to section 2 of this act and in
24 consultation with the state board of education, the state

1 superintendent and the department of education, the
2 statewide task force shall establish necessary mechanisms
3 and processes to support the transition from the statewide
4 student assessment existing on the effective date of this
5 act to the student assessment system established in
6 accordance with W.S. 21-2-304(a)(v) as amended by section 1
7 of this act. The process shall satisfy legal and technical
8 requirements pertaining to student assessment and shall
9 provide for a pilot test of the statewide assessment to
10 enhance assessment design and development and to provide an
11 empirical basis upon which to make valid educational
12 judgments on assessment results. The pilot test of the
13 assessment shall be administered during the 2004-2005
14 school year to enable full implementation of the statewide
15 assessment in school year 2005-2006.

16

17 (b) Based upon specifications and requirements
18 developed by the task force under subsection (a) of this
19 section, the state board of education through the state
20 superintendent and the department of education, shall
21 develop and issue a request for proposal (RFP) for
22 statewide student assessment development in sufficient time
23 for pilot testing during the 2004-2005 school year. The
24 task force shall assist the state board, the state

1 superintendent and the department, in reviewing and
2 evaluating all proposals submitted in response to the RFP,
3 and if a proposal meets the specifications and requirements
4 developed by the task force pursuant to this section and
5 the proposal is approved by the task force, the state board
6 through the state superintendent and the department, shall
7 accept the proposal and enter into contract to implement
8 the proposal subject to funds appropriated under section 4
9 of this act sufficient to implement its provisions.

10
11 (c) On or before November 1, 2004, the state board,
12 the state superintendent and the task force shall report to
13 the management council and the joint education interim
14 committee on recommendations developed under this section,
15 clearly specifying progress on development of the statewide
16 assessment system, defining the assessment system and
17 reporting on the development and administration of a pilot
18 test for the assessment.

19
20 **Section 4.** [ACCOUNTABILITY SYSTEM TRANSITION PROCESS]

21
22 (a) For school year 2004-2005 and prior to
23 implementation of recommendations developed under this
24 section, the state board of education shall through the

1 state superintendent and the department of education and in
2 consultation with the statewide task force, establish a
3 transitional plan to provide a temporary system of rewards
4 and sanctions for all schools and school districts. Prior
5 to implementation, the transitional plan shall be presented
6 to the joint education interim committee on or before
7 November 1, 2004. The transitional plan shall terminate
8 upon completion of the 2004-2005 school year.

9

10 (b) The statewide task force shall in consultation
11 with the state board of education and the state
12 superintendent and in addition to section 3 of this act and
13 based upon the investigation conducted under section 2(c)
14 of this act, report to the management council and the joint
15 education interim committee on recommendations for the
16 establishment of a permanent process providing consequences
17 for school accountability as prescribed under W.S.
18 21-2-304(a)(vi), as amended by section 1 of this act.

19

20 (c) In addition, the task force in consultation with
21 the state board and state superintendent, shall develop
22 recommendations on the range of rewards for schools meeting
23 adequate yearly progress measures and other criteria under

1 the statewide accountability system established under W.S.
2 21-2-304(a)(vi), as amended by section 1 of this act.

3

4 **Section 5.** [APPROPRIATIONS]

5

6 (a) One million dollars (\$1,000,000.00) is
7 appropriated from the general fund to the department of
8 education to provide for the piloting of the statewide
9 assessment system design during school year 2004-2005 in
10 accordance with the recommendations established by the
11 state board and the statewide task force pursuant to
12 section 3 of this act. The department shall report
13 expenditures under this subsection to the joint education
14 interim committee, aligning expenditures to components of
15 the assessment system.

16

17 (b) Up to three hundred thousand dollars
18 (\$300,000.00) is appropriated from funds made available to
19 the state under the federal No Child Left Behind Act of
20 2001 shall fund the expenses associated with activities
21 assigned to the statewide task force under section 2 of
22 this act, including necessary consulting expertise to the
23 task force. The legislative service office shall provide
24 necessary staff support for the statewide task force.

1

2 **Section 6.** [EFFECTIVE DATES]

3

4 (a) Except as provided by subsection (b) of this
5 section, this act is effective July 1, 2004.

6

7 (b) Sections 2 through 5 of this act are effective
8 immediately upon completion of all acts necessary for a
9 bill to become law as provided by Article 4, Section 8 of
10 the Wyoming Constitution.

11

12

(END)