

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to public education; creating the Wyoming Accountability in Education Act and establishing a statewide education accountability system; modifying statewide assessment requirements; establishing system components and student performance measures; imposing duties upon the state board of education and the state superintendent; prescribing consequences for school level student performance; establishing a legislative select committee to review and expand system components; imposing select committee reporting requirements and providing for an advisory committee comprised of public education representatives; providing for a review of school board training needs; requiring a statutory review; prescribing staffing; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 21-2-204 is created to read:

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

(a) This section shall be cited as the "Wyoming Accountability in Education Act."

(b) A statewide education accountability system shall be established in accordance with this section, which considers use of 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 includes student performance as measured through multiple indicators in those subjects for which students are assessed as specified by this

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

subsection, that are reported in terms of student achievement at prescribed performance levels, and that are aggregated to the school level. Core indicators of student performance under the first phase of the statewide school-based accountability system for each applicable school shall be:

(i) School level performance in third through eighth and eleventh grade reading; and

(ii) Additional secondary school level outcomes.

(c) School level performance in reading shall be measured by the statewide assessment system implemented by the state board of education under W.S. 21-2-304(a)(v). Additional secondary school outcomes shall be measured in accordance with subsection (d) of 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.

(d) Beginning in school year 2011-2012, and each school year thereafter, the department of education shall compute a combined school score for student performance in the core indicators specified under subsection (b) of this section as follows:

(i) For school level reading in grades three (3) through eight (8) and grade eleven (11), using existing proficiency performance levels specified on the statewide assessment:

(A) Each school shall record year-to-year performance level changes in reading for all students within grades three (3) through eight (8) and grade eleven

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(11) as may be served by that school. Year-to-year school level performance change designations shall be determined using statistically robust methodology and shall be assigned as follows:

(I) "Positive progress" if a school moves from its immediately preceding school year performance level to a higher performance level in the current school year;

(II) "Performance level unchanged" if a school's immediately preceding school year performance level is the same as its performance level in the current school year;

(III) "Negative progress" if a school moves from its immediately preceding school year performance level to a lower performance level in the current school year.

(B) Point values shall be assigned to each school according to the type of change in performance levels from the current school year compared to the performance level of the immediately preceding school year as follows:

(I) Schools demonstrating "positive progress" shall be designated as a positive point value;

(II) Schools demonstrating "performance level unchanged" shall be designated as an unchanged or zero (0) point value;

(III) Schools demonstrating "negative progress" shall be designated as a negative point value.

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(ii) For additional secondary school-level outcomes, the following measures shall be used:

(A) A standardized, curriculum based college readiness test in grade eight (8) covering English, reading, mathematics and science, reported by the percentage of students meeting or exceeding college readiness benchmark scores for each subject area;

(B) A standardized, curriculum based achievement college entrance examination in grade eleven (11) covering English, reading, mathematics and science, reported by the percentage of students meeting or exceeding the college readiness benchmark score for each subject area.

(iii) All information generated under paragraphs (i) and (ii) of this subsection shall be recorded by matrix format established by rule and regulation of the department of education.

(e) The target level for student performance under the first phase of the statewide accountability system shall be positive progress on all core indicators measured under subsection (d) of this section.

(f) Commencing with school year 2013-2014, and each school year thereafter, any school that fails to meet the computed school improvement targets established under subsection (e) of this section shall be subject to the following:

(i) For the first year of failure to meet school improvement targets, the school district for that school shall report to the department of education on its identified cause for the school's failure to meet

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

improvement targets and shall provide written articulation of instructional strategies and programs to accelerate student performance within that school sufficient to meet improvement targets through a performance acceleration plan. The plan shall include class schedules, curriculum choices and instructional materials, shall specify strategies targeting higher performance for students performing below target levels and strategies for maintaining students performing above target levels, and shall verify deployment of resources by the district necessary to implement the strategies for that school. Not later than August 1 of each applicable school year, each district subject to this paragraph shall file the performance acceleration report assembled in accordance with this paragraph with the department in a manner, subject to criteria and on a form prescribed by department rule and regulation. Not later than November 1 of the applicable school year, the department shall discuss each performance acceleration plan with the district superintendent and the chairman of the board of trustees of the school for which the plan is submitted, specifically addressing the performance acceleration strategies and programs contained within the report. The department shall also determine the sufficiency of resources planned for deployment by the district to implement articulated strategies for that school. On or before December 1 of the school year immediately following the school year for which the school improvement target is computed, the department shall report to members of the joint education interim committee and the joint appropriations interim committee, a compilation of all district reports submitted under this paragraph together with evidence of discussions with the district superintendents and board chairmen required under this paragraph, an analysis of the ability of each district's strategies and programs to succeed in

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

accelerating student performance and the analysis of the sufficiency of resources to implement plan strategies;

(ii) For the second and subsequent years of failure to meet school improvement targets, the department of education shall from within existing resources of the department, designate a technical assistance team to develop turn-around strategies for each under-performing school. The turn-around strategy shall at a minimum, target curriculum, instruction, program content and school organization including the structure of the school day and year, and shall be implemented in the school year immediately following the school year for which the second and subsequent failure occurs. The technical assistance team shall also assist the school and the appropriate school district in implementing turn-around strategies and programs and if necessary, shall impose criteria on district allocation of resources necessary to fully implement turn-around strategies and programs within that school. The department shall report, annually on or before December 1, to members of the joint education interim committee and the joint appropriations interim committee on the technical assistance provided under this paragraph, together with rationale for selecting the imposed turn-around strategies and the evidence supporting the strategies. Any criteria on district resource allocation imposed under this paragraph shall also be included in the annual report;

(iii) In addition to paragraph (ii) of this subsection, the state board shall administer this subsection as part of school district accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(g) Commencing with school year 2013-2014, and each school year thereafter, the school district for any school meeting the computed school improvement targets computed under subsection (e) of this section shall continue to receive a foundation program guarantee amount under W.S. 21-13-309(p) for that school without expenditure restrictions and interference imposed at the state level.

(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.

Section 2. W.S. 21-2-202(a)(i), (xiv) and (xxi), 21-2-203(c)(ii)(intro), (A) and by creating a new subparagraph (C), 21-2-304(a)(ii), (v)(intro), (B), (D), (E), (H), (vi)(intro) and by creating a new paragraph (vii), (b)(ii) and (xiv) and 21-3-110(a)(xxiv) and by creating a new paragraph (xxx) are amended to read:

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

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

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(i) Make rules and regulations, consistent with this code, as may be necessary or desirable for the proper and effective administration of the state educational system and the statewide education accountability system pursuant to W.S. 21-2-204. Nothing in this section shall be construed to give the state superintendent rulemaking power in any area specifically entrusted to the state board;

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. 21-2-204(h) and shall be provided within a reasonable time in accordance with rules and regulations of the state board. In addition and pursuant to W.S. 21-2-304(a)(vii) and 21-3-110(a)(xxiv)(B), effective school year 2012-2013, the state superintendent shall, through the department, receive scores for each student assessed by each school district under the benchmark adaptive assessment administered under W.S. 21-3-110(a)(xxiv)(B), with appropriate linkages to teachers, schools and districts, reported in formats and schedules established by rule and regulation of the state board;

(xxi) Establish and maintain a uniform statewide reporting system based upon requirements of the statewide education accountability system established under W.S. 21-2-204 and the statewide student assessment implemented by the state board under W.S. 21-2-304(a)(v);

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

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

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

(A) Coordinate its work with all other functions of the department so as to consolidate data reporting requirements for school districts and eliminate duplication in reporting to the greatest extent possible, including reporting of assessment results required for determinations under W.S. 21-2-204;

(C) Use existing data to establish longitudinal data systems linking student achievement with teachers of record and relevant school principals, 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:

(ii) Through the evaluation and accreditation of school districts, implement and enforce the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 in the public schools of this state, including any educational institution receiving any state funds except for the University of Wyoming and Wyoming community colleges, and implement and enforce the statewide education accountability system pursuant to W.S. 21-2-204. The board shall ensure that educational programs offered by

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

public schools in accordance with these standards provide students an opportunity to acquire sufficient knowledge and skills, at a minimum, to enter the University of Wyoming and Wyoming community colleges, to prepare students for the job market or postsecondary vocational and technical training and to achieve the general purposes of education that equips students for their role as a citizen and participant in the political system and to have the opportunity to compete both intellectually and economically in society. In addition, the board shall require school district adherence to the statewide education accountability system;

(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 core 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:

(B) Be administered at appropriate levels at specified grades and at appropriate intervals aligned to the standards, specifically assessing student performance in reading, ~~writing~~ and mathematics at grades four (4), eight (8) and eleven (11), and effective school year 2005-2006, and each school year thereafter, assessing student

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

performance in reading, ~~writing~~ and mathematics at grades three (3) through eight (8) and at grade eleven (11). In addition and commencing school year 2007-2008 and each school year thereafter, the statewide assessment system shall assess student performance in science not less than once within each grade band for grades three (3) through five (5), grades six (6) through eight (8) and grades ten (10) through twelve (12). The structure and design of the assessment system shall allow for the comprehensive measurement of student performance through assessments that are administered each school year simultaneously on a statewide basis; ~~and through assessments administered periodically over the course of the school year which are designed to provide a more comprehensive and in-depth measurement of subject areas aligned to the state content and performance standards. The assessment system may also measure the other common core of knowledge and skills established under W.S. 21-9-101(b) which can be quantified;~~

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section, link student performance and progress to teachers of record and compare and evaluate student achievement during the process of student advancement through grade levels. The assessment system shall ensure the integrity of student performance measurements used at each grade level to enable valid year-to-year comparisons and shall be sufficient to capture necessary data to enable application of measures of core indicators as required under W.S. 21-2-204;

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

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(H) Provide a measure of accountability to enhance ~~teaching and~~ 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 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. and Assessment results shall be used in conjunction with a school district's annual assessment to design educational strategies for improvement and enhancement of student performance. ~~This design for improvement shall be part of each district's school improvement plan 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 intervention and technical assistance to districts in developing school turn-around plans in response to student performance target indicators 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, ~~from each district,~~ annually report to the legislature ~~on student performance at specified grade levels and on school improvement plans as required under W.S. 21-2-204.~~

(vi) ~~Effective school year 2005-2006 and each school year thereafter~~ 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 ~~establish~~ implement a statewide accountability system. ~~providing~~ In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

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 resulting from accountability determinations. ~~whereby:~~

(vii) Effective school year 2012-2013, through benchmark adaptive assessments administered by school districts as a component of the district assessment system under W.S. 21-3-110(a)(xxiv), establish statewide standards for the assessment of student growth in mathematics and reading for all students in grades kindergarten through grade eight (8), to be separate from but correlated with the statewide assessment and accountability system established under paragraphs (a)(v) and (vi) of this section. The standards shall include:

(A) A benchmark testing system administered uniformly statewide by school districts, covering curriculum standards established by board rule and regulation, to be administered subject to board prescribed procedures;

(B) Prescribed growth by subject area and by grade level;

(C) Processes and procedures for aligning benchmark assessment results with assessment results obtained under the statewide assessment administered under paragraph (a)(v) of this section, using school year 2011-2012 as the initial year for basing growth measurements;

(D) Use of assessment results to design educational strategies for improvement and enhancement of student performance through district school improvement

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

plans assembled in accordance with subparagraph (a)(v)(H) of this section.

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

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

(xiv) Based upon student performance levels determined under W.S. 21-2-204, establish improvement goals for public schools for assessment of student progress based upon the national assessment of educational progress testing program and the statewide assessment system established under paragraph (a)(v) of this section;

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 ~~the state board under W.S. 21-2-304(a)(v) and (vi)~~ W.S. 21-2-204 and 21-2-304(a)(vii), the district assessment system shall be

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

integrated with the statewide assessment system and the statewide accountability system. ~~A component~~ Components of the district assessment system required by this paragraph shall include the following:

(A) Until school year 2012-2013 and to the extent not covered under subparagraph (B) of this paragraph, a body of evidence assessment system designed and used to determine the various levels of student performance 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); and

(B) In accordance with W.S. 21-2-304(a)(vii), a standardized benchmark assessment designed to measure student progress during the school year using a statewide adaptive standard of assessment set by the state board of education, administered not less than two (2) times during each school year in accordance with prescribed time periods and procedures established by the state board. Assessment scores shall be reported to the department of education at times and in a manner prescribed by state board rule and regulation, and shall include appropriate linkages to teachers and schools within the district.

(xxx) In addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school principal to be evaluated by the district superintendent in accordance with the statewide education accountability system established under W.S. 21-2-204. In accordance with rules and regulations of the state board, the district board shall also provide the state board written reports verifying principal performance and providing performance scores necessary for continued employment.

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

Section 3. W.S. 21-2-304(a)(vi)(A) through (E) is repealed.

Section 4.

(a) It is the intent of the legislature that this act ensure that Wyoming monitors and attains the highest achievement for children attending Wyoming public schools. This act requires a flow of data from the school level up to the state level and back down to the school level, which considers use of 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). Measurement of the quality of Wyoming student performance is key to this structure. Core indicators of student performance for phase one (1) of this accountability system are prescribed by this act. Measurement of those indicators, improvement goals for those indicators, as well as rewards for attaining and consequences for failing to attain those goals, as provided by this act, shall be reviewed and studied by the select committee on statewide education accountability created by this section. The select committee shall also study expansion of the statewide accountability system into the second phase identified by this section. In the manner prescribed by this section, the select committee shall report its recommendations back to the legislature for adoption into law and implementation by the Wyoming state board of education and the department of education.

(b) There is created a select committee on statewide education accountability for purposes of carrying out the study prescribed by this section. The select committee shall provide recommendations to the legislature in accordance with subsection (j) of this section. The select committee shall consist of the following members:

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(i) Five (5) members of the Wyoming senate appointed by the president of the senate, with one (1) to be the chairman of the senate education committee and at least one (1) from the minority party; and

(ii) Five (5) members of the Wyoming house of representatives appointed by the speaker of the house, with one (1) to be the chairman of the house education committee and at least one (1) from the minority party.

(c) The chairman of the senate education committee and the chairman of the house education committee shall serve as cochairmen of the select committee on statewide education accountability. Appointments shall be made under subsection (b) of this section not later than March 31, 2011. Members shall serve on the select committee through the 2012 budget session. Select committee members shall receive compensation, per diem and travel expense reimbursement in the manner and amount prescribed under W.S. 28-5-101.

(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:

(i) One (1) member who is a superintendent of a large Wyoming school district and one (1) member who is a superintendent of a small Wyoming school district, appointed by the Wyoming association of school administrators;

(ii) Two (2) members who are school principals from a Wyoming school district, one (1) of which is a

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

secondary school principal appointed by the Wyoming association of secondary school principals and one (1), an elementary school principal appointed by the Wyoming association of elementary and middle school principals;

(iii) One (1) member who is a Wyoming school district assessment director appointed by the governor;

(iv) Two (2) members who are Wyoming public school teachers, one (1) from an elementary school and one (1) from a secondary school, both appointed by the Wyoming state board of education;

(v) One (1) member who is serving as a trustee on a Wyoming school district board of trustees appointed by the Wyoming school boards association;

(vi) One (1) member serving on the Wyoming state board of education elected by the board as representative;

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

(viii) A representative of the governor's office designated by the governor;

(ix) A representative of the Wyoming business community appointed by the governor.

(e) Appointments to the advisory committee pursuant to subsection (d) of this section shall be made by not later than May 1, 2011. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed to the advisory committee which is not an employee of a governmental subdivision or a member of a

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

political subdivision board or commission shall receive per diem and travel expenses in the manner and amount provided state employees under W.S. 9-3-103. Reimbursement shall be made from amounts appropriated under subsection 5(b) of this act.

(f) The select committee shall review phase one (1) of the statewide education accountability system established under W.S. 21-2-204, as created under section 1 of this act, as follows:

(i) Ensure the appropriateness and rigor of the performance levels attached to each core indicator;

(ii) Review necessary modifications to the statewide student assessment implemented by the state board of education under W.S. 21-2-304(a)(v), subject to reporting from the state superintendent required under section 5(b) of this act. In addition, review of the statewide summative assessment shall be combined with the review of the statewide benchmark adaptive assessment required under this act and reported under section 5(a) of this act. A component of this review shall also consider the use of end-of-course student assessments as a component of both the statewide summative assessment as developed by the state board under section 5(b) of this section, as well as an alternative or component of an alternative to the body of evidence assessment system implemented at the school district level in accordance with section 5(c) of this section. The select committee shall also review supplementation of the state summative and benchmark adaptive assessment by student assessments administered at the local school district level pursuant to W.S. 21-3-110(a)(xxiv) if the recommended local assessment is reliable and valid across all students, schools and school districts statewide, and if the supplemental information

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

allows for a more robust, reliable and valid measure of student achievement;

(iii) Review and improve the reporting scale for measured achievement to ensure each core indicator has a stable, reliable measure which reduces variability caused by small numbers of student populations within any school, grade or district;

(iv) Prescribe procedures for computing assessment scores to ensure reasonably fair and equitable application of accountability system components to identified groups of students for which an achievement gap may occur;

(v) Review methodology for computation of annual change in student performance, as compared to established target levels, to indicate periodic growth or decline in student performance profiled at the school level, leading to a progressive process by which each school, as determined by its overall accountability score, is measured against statewide target levels.

(g) The select committee shall also initiate the second phase of the statewide education accountability system, which shall be predicated upon instructional practice and the development of data necessary to establish measures of teaching practice and the effectiveness of classroom teachers, school principals and district administrators in improving student achievement. The select committee shall establish components of effective teaching and administration, shall structure a statewide system for measuring teacher and administrator effectiveness and shall apply measured performance to performance evaluation consequences and incentives. This system shall be based upon a statewide longitudinal data

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

system established by the department linking student assessment results to teachers of record, enabling computation of the effect on student achievement of school and classroom instruction, targeted student interventions and other educational variables such as class size. As a possible component of the second phase of the statewide accountability system, the select committee shall review merit pay methodologies related to teacher performance measures, including merit-based salary schedules, bonuses, incentive pay and differential staffing practices. Based upon this review, the select committee shall forward any recommendation for a merit or performance-based pay methodology or system component within its report submitted under subsection (j) of this section.

(h) In addition to subsections (f) and (g), the select committee shall include a component within the statewide accountability system which provides recommendations on student and parental accountability providing incentives and sanctions promoting increased student achievement.

(j) The select committee shall assemble recommendations developed under subsections (f), (g) and (h) of this section, including time schedules prescribing implementation for each system component, together with any associated legislation, for submission to the legislature in sufficient time for consideration in the 2012 budget session. The select committee may introduce legislation as other committees of the legislature.

(k) The select committee shall develop, with the advice of the advisory committee, procedures for identifying and assisting under-performing schools, time schedules within which under-performing schools should reasonably be expected to achieve improvement targets and

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

consequences to districts which fail to meet school improvement targets.

(m) The select committee shall conduct a review of existing provisions within state law for the purpose of determining necessary statutory revisions which establish incentives fostering improved student performance including but not limited to school attendance, decreased student drop-out rates, reduced remediation for entering post-secondary pursuits, and other such factors favorably impacting student performance.

(n) The legislative service office shall staff the select committee. The department of education and other state agencies shall provide information and other assistance to the select committee as requested in order to fulfill duties prescribed by this section. The legislative service office may retain consultants as necessary to staff and advise the select committee in executing responsibilities prescribed by this section. The management council may expend funds appropriated by the legislature for approved contractual agreements between the council and professional consultants on behalf of the select committee.

Section 5.

(a) The state board of education, through the state superintendent and the department of education, shall pilot a statewide benchmark adaptive assessment during school year 2011-2012 in accordance with requirements prescribed under W.S. 21-2-304(a)(vii) and W.S. 21-3-110(xxix). Assessment results from the pilot administration under this subsection shall be used to establish student achievement level alignment with the statewide summative assessment and student performance target levels for implementation in the

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

2012-2013 school year. Reports on progress under this section shall be provided by the state board to the select committee on education accountability created under section 4 of this act during benchmark adaptive assessment development and implementation. A final report shall be provided to the select committee on or before December 1, 2011. The select committee shall provide necessary enabling legislation for assessment implementation in school year 2012-2013.

(b) The state board, through the state superintendent and the department, shall commence development of a statewide multiple choice, standardized summative assessment meeting the minimum requirements of 20 U.S.C. 6311 and providing assessment results to teachers and schools within the school year of assessment. At least thirty (30) days prior to issuing a request for proposal (RFP) to commence development and implementation of a statewide summative assessment in conformance with this subsection, the state superintendent shall submit the proposed RFP to the select committee for review. Progress under this subsection including the separate writing assessment, shall be reported to the select committee during the course of the study required under section 4 of this act. In addition and as a component of the statewide summative assessment, the state board shall through the state superintendent and the department, develop an authentic statewide assessment of student writing skills which is:

(i) Limited to one (1) writing prompt in school year 2011-2012, the initial year of implementation statewide as a pilot assessment;

(ii) Based upon research and encourages rigor in the classroom;

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(iii) Developed outside of and not as a part of the requirements under 20 U.S.C. 6311;

(iv) Administered separate and at different times from the statewide summative assessment in other subject areas;

(v) Fully implemented in the 2012-2013 school year and each year thereafter.

(c) The state board, through the department of education, shall review the body of evidence component of school district student assessments required by law and provide an alternative to this component that provides a district level of assessment enabling consistent, comparable and aligned measures, with multiple opportunities for students to demonstrate proficiency and establishing accountability at the student, teacher, school and district level. The goal of this review is to replace the current body of evidence system with an alternative system by school year 2012-2013. Progress under this subsection shall be reported to the select committee during its study of statewide education accountability under section 4 of this act.

(d) For the period commencing upon the effective date of this section, and ending June 30, 2012, up to two hundred sixty-five thousand dollars (\$265,000.00) is appropriated from the school foundation program account to the department of education to carry out subsection (a) of this section. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

Section 6. The select committee on statewide education accountability created under section 4 of this act shall develop recommendations addressing training needs of school district boards of trustees, to be included in select committee recommendations submitted to the legislature under subsection 4(j) of this section.

Section 7.

(a) For the period commencing upon the effective date of this act and ending June 30, 2012, unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii), shall be available for expenditure by the legislative service office for professional consulting expertise and other support necessary to carry out and execute the work of the select committee on statewide education accountability as required under this act. Professional consulting expertise may be retained by the legislative service office only upon approval of the management council, and the unexpended, unobligated amounts may be expended for contractual agreements between the council and professional consultants.

(b) For the period beginning upon the effective date of this act and ending June 30, 2012, seventy-five thousand dollars (\$75,000.00) is available from the unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii) for necessary expenses of the select committee on statewide education accountability established under this act, as necessary to carry out this act.

Section 8.

ORIGINAL SENATE
FILE NO. 0070

ENROLLED ACT NO. 90, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(a) Except as provided by subsection (b) of this section, 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.

(b) Notwithstanding subsection (a) of this section, W.S. 21-2-304(a)(v)(B) and (E), as amended by section 2 of this act, is effective July 1, 2012.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk