

HOUSE BILL NO. HB0247

Education accountability-2.

Sponsored by: Representative(s) Teeters

A BILL

for

1 AN ACT relating to public education; creating the Wyoming
2 Accountability in Education Act and establishing a
3 statewide education accountability system; establishing
4 system components and student performance measures;
5 imposing duties upon the state board of education and the
6 state superintendent; prescribing consequences for school
7 level student performance; establishing a legislative
8 select committee to review and expand system components;
9 imposing select committee reporting requirements and
10 providing for an advisory committee comprised of public
11 education representatives; prescribing staffing; providing
12 appropriations; and providing for an effective date.

13

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

15

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

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1 **21-2-204. Wyoming Accountability in Education Act;**
2 **statewide education accountability system created.**

3

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

6

7 (b) A statewide education accountability system shall
8 be established in accordance with this section. The first
9 phase of this system shall be a school-based system that
10 includes student performance as measured through multiple
11 indicators in those subjects for which students are
12 assessed as specified by this subsection, that are reported
13 in terms of student achievement at prescribed performance
14 levels, and that are aggregated to the school level. Core
15 indicators of student performance under the first phase of
16 the statewide school-based accountability system for each
17 school shall be:

18

19 (i) School level performance in reading; and

20

21 (ii) School level performance in mathematics.

22

23 (c) The core indicators of student performance
24 prescribed by subsection (b) of this section shall be

1 measured by the statewide assessment system implemented by
2 the state board of education under W.S. 21-2-304(a)(v),
3 including a growth indicator for student performance. The
4 measures shall be aggregated to the school level based upon
5 those grades served inclusive to each school as reported by
6 the respective school district to the department of
7 education. Performance levels attached to each core
8 indicator shall be scored at below-basic, basic, proficient
9 and advanced, established at those levels prescribed by the
10 department of education in administering the statewide
11 assessment under rules and regulations of the state board.

12

13 (d) Beginning in school year 2011-2012, and each
14 school year thereafter, the department of education shall
15 compute a combined school score for student performance in
16 the two (2) core indicators specified under subsection (b)
17 of this section as follows:

18

19 (i) For each core indicator and for the
20 applicable year of assessment, multiply the percentage of
21 students scoring at each of the four (4) performance levels
22 prescribed under subsection (c) of this section by the
23 weight assigned as follows:

24

1 (A) 1.25 for advanced performance levels;

2

3 (B) 1.0 for proficient performance levels;

4

5 (C) 0.5 for basic performance levels;

6

7 (D) 0.0 for below-basic performance levels.

8

9 (ii) Total the weighted performance level
10 percentages computed under paragraph (i) of this subsection
11 to compute a school score for each core indicator;

12

13 (iii) Multiply the school score for each core
14 indicator as computed under paragraph (ii) of this
15 subsection by the following weights:

16

17 (A) Fifty percent (50%) for reading; and

18

19 (B) Fifty percent (50%) for mathematics.

20

21 (iv) Total the weighted school scores for each
22 core indicator as computed under paragraph (iii) of this
23 subsection.

24

1 (e) The target level for student performance under
2 the first phase of the statewide accountability system is a
3 combined school score of one hundred (100), which requires
4 that a significant majority of students within each school
5 in the state perform at or above the proficient level. The
6 department of education shall compute improvement targets
7 for each school by subtracting the combined score as
8 computed under subsection (d) of this section for the
9 applicable school year, from the statewide target level of
10 one hundred (100), with the difference multiplied by ten
11 percent (10%), subject to a minimum of two (2) points above
12 the prior year combined school score. If for any school
13 year the combined school score exceeds one hundred (100),
14 the improvement target for that school shall be equal to
15 two (2) points above the prior year combined school score.

16

17 (f) Commencing with school year 2013-2014, and each
18 school year thereafter, any school that fails to meet the
19 computed school improvement target shall be subject to the
20 following:

21

22 (i) For the first year of failure to meet school
23 improvement targets, the school district for that school
24 shall report to the department of education on its

1 identified cause for the school's failure to meet
2 improvement targets and shall provide written articulation
3 of instructional strategies and programs to accelerate
4 student performance within that school sufficient to meet
5 improvement targets through a performance acceleration
6 plan. The plan shall include class schedules, curriculum
7 choices and instructional materials, shall specify
8 strategies targeting higher performance for students
9 performing at basic and below-basic levels and strategies
10 for maintaining students performing at proficient and
11 advanced levels, and shall verify deployment of resources
12 by the district necessary to implement the strategies for
13 that school. Not later than August 1 of each applicable
14 school year, each district subject to this paragraph shall
15 file the performance acceleration report assembled in
16 accordance with this paragraph with the department in a
17 manner, subject to criteria and on a form prescribed by
18 department rule and regulation. Not later than November 1
19 of the applicable school year, the department shall discuss
20 each performance acceleration plan with the district
21 superintendent and the chairman of the board of trustees of
22 the school for which the plan is submitted, specifically
23 addressing the performance acceleration strategies and
24 programs contained within the report. The department shall

1 also determine the sufficiency of resources planned for
2 deployment by the district to implement articulated
3 strategies for that school. On or before December 1 of the
4 school year immediately following the school year for which
5 the school improvement target is computed, the department
6 shall report to members of the joint education interim
7 committee and the joint appropriations interim committee, a
8 compilation of all district reports submitted under this
9 paragraph together with evidence of discussions with the
10 district superintendents and board chairmen required under
11 this paragraph, an analysis of the ability of each
12 district's strategies and programs to succeed in
13 accelerating student performance and the analysis of the
14 sufficiency of resources to implement plan strategies;

15

16 (ii) For the second and subsequent years of
17 failure to meet school improvement targets, the department
18 of education shall from within existing resources of the
19 department, designate a technical assistance team to
20 develop turn-around strategies for each under-performing
21 school. The turn-around strategy shall at a minimum,
22 target curriculum, instruction, program content and school
23 organization including the structure of the school day and
24 year, and shall be implemented in the school year

1 immediately following the school year for which the second
2 and subsequent failure occurs. The technical assistance
3 team shall also assist the school and the appropriate
4 school district in implementing turn-around strategies and
5 programs and if necessary, shall impose criteria on
6 district allocation of resources necessary to fully
7 implement turn-around strategies and programs within that
8 school. The department shall report, annually on or before
9 December 1, to members of the joint education interim
10 committee and the joint appropriations interim committee on
11 the technical assistance provided under this paragraph,
12 together with rationale for selecting the imposed turn-
13 around strategies and the evidence supporting the
14 strategies. Any criteria on district resource allocation
15 imposed under this paragraph shall also be included in the
16 annual report;

17

18 (iii) In addition to paragraph (ii) of this
19 subsection, the state board shall administer this
20 subsection as part of school district accreditation
21 required under W.S. 21-2-304(a)(ii), through appropriate
22 administrative action taken in accordance with W.S.
23 21-2-304(b)(ii).

24

1 (g) Commencing with school year 2013-2014, and each
2 school year thereafter, the school district for any school
3 meeting the computed school improvement target computed
4 under subsection (e) of this section shall continue to
5 receive a foundation program guarantee amount under W.S.
6 21-13-309(p) for that school without expenditure
7 restrictions and interference imposed at the state level.

8
9 (h) Measured performance results obtained and
10 collected pursuant to this section, together with
11 subsequent actions responding to results, shall be combined
12 with other information and measures maintained and acquired
13 under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H),
14 21-3-110(a)(xxiv) and otherwise by law, to be used as the
15 basis of a statewide system for providing periodic and
16 uniform reporting on the progress of state public education
17 achievement compared to established targets. The statewide
18 accountability system shall include a process for
19 consolidating, coordinating and analyzing existing
20 performance data and reports for purposes of aligning with
21 the requirements of this section and for determinations of
22 student achievement incorporated into the statewide system.

23

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

6
7 **21-2-202. Duties of the state superintendent.**

8
9 (a) In addition to any other duties assigned by law,
10 the state superintendent shall:

11
12 (i) Make rules and regulations, consistent with
13 this code, as may be necessary or desirable for the proper
14 and effective administration of the state educational
15 system and the statewide education accountability system
16 pursuant to W.S. 21-2-204. Nothing in this section shall be
17 construed to give the state superintendent rulemaking power
18 in any area specifically entrusted to the state board;

19
20 (xiv) For purposes of the statewide assessment
21 of students and reporting student performance under W.S.
22 21-2-304(a)(v), have authority to assess and collect
23 student educational assessment data from school districts,
24 community colleges and the University of Wyoming. All data

1 shall be consolidated, combined and analyzed in accordance
2 with W.S. 21-2-204(h) and shall be provided within a
3 reasonable time in accordance with rules and regulations of
4 the state board;

5
6 (xxi) Establish and maintain a uniform statewide
7 reporting system based upon requirements of the statewide
8 education accountability system established under W.S.
9 21-2-204 and the statewide student assessment implemented
10 by the state board under W.S. 21-2-304(a)(v);

11
12 **21-2-203. School district data collection and funding**
13 **model administration; duties and responsibilities**
14 **specified; data advisory committee; school district**
15 **compliance.**

16
17 (c) The duties of the department are, in accordance
18 with rules promulgated by the state superintendent, to:

19
20 (ii) Collect data from school districts
21 necessary for the department to administer the school
22 finance system and the statewide education accountability
23 system established under W.S. 21-2-204. In accomplishing
24 this, the department shall:

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(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 school principals of record, 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

1 community colleges, and implement and enforce the statewide
2 education accountability system pursuant to W.S. 21-2-204.

3 The board shall ensure that educational programs offered by
4 public schools in accordance with these standards provide
5 students an opportunity to acquire sufficient knowledge and
6 skills, at a minimum, to enter the University of Wyoming
7 and Wyoming community colleges, to prepare students for the
8 job market or postsecondary vocational and technical
9 training and to achieve the general purposes of education
10 that equips students for their role as a citizen and
11 participant in the political system and to have the
12 opportunity to compete both intellectually and economically
13 in society. In addition, the board shall require school
14 district adherence to the statewide education
15 accountability system;

16
17 (v) Through the state superintendent and in
18 consultation and coordination with local school districts,
19 implement a statewide assessment system comprised of a
20 coherent system of measures that when combined, provide a
21 reliable and valid measure of individual student
22 achievement for each public school and school district
23 within the state, and the performance of the state as a
24 whole. Statewide assessment system components shall be in

1 accordance with requirements of the statewide education
2 accountability system pursuant to W.S. 21-2-204.

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

9
10 (D) Measure year-to-year changes in student
11 performance and progress in the subjects specified under
12 subparagraph (a)(v)(B) of this section, link student
13 performance and progress to teachers of record and to
14 school principals of record, and compare and evaluate
15 student achievement during the process of student
16 advancement through grade levels. The assessment system
17 shall ensure the integrity of student performance
18 measurements used at each grade level to enable valid year-
19 to-year comparisons and shall be sufficient to capture
20 necessary data to enable application of measures of core
21 indicators as required under W.S. 21-2-204;

22
23 (H) Provide a measure of accountability to
24 enhance teaching and learning in Wyoming and in combination

1 with other measures and information, assist school
2 districts in determining individual student progress as
3 well as school level achievement targets. In addition to
4 reporting requirements imposed under W.S. 21-2-204, the
5 assessment results shall be reported to students, parents,
6 schools, school districts and the public in an accurate,
7 complete and timely manner. ~~and~~ Assessment results shall be
8 used in conjunction with a school district's annual
9 assessment to design educational strategies for improvement
10 and enhancement of student performance. ~~This design for~~
11 ~~improvement shall be part of each district's school~~
12 ~~improvement plan~~ required under W.S. 21-2-204. Assessment
13 results shall also be used to guide actions by the state
14 board and the department in providing and directing
15 intervention and technical assistance to districts in
16 developing school turn-around plans in response to student
17 performance target indicators measured and established
18 under W.S. 21-2-204. In consultation and coordination with
19 school districts, the board shall subject to W.S. 21-2-204,
20 review and evaluate the assessment system regularly and
21 based upon uniform statewide reports, ~~from each district,~~
22 annually report to the legislature ~~on student performance~~
23 ~~at specified grade levels and on school improvement plans~~
24 as required under W.S. 21-2-204.

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(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 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~~.

(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

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

5
6 (xiv) Based upon student performance levels
7 determined under W.S. 21-2-204, establish improvement goals
8 for public schools for assessment of student progress based
9 upon the national assessment of educational progress
10 testing program and the statewide assessment system
11 established under paragraph (a)(v) of this section;

12
13 **21-3-110. Duties of boards of trustees.**

14
15 (a) The board of trustees in each school district
16 shall:

17
18 (xxiv) Establish a student assessment system to
19 measure student performance relative to the uniform student
20 content and performance standards in all content areas for
21 which the state board has promulgated standards pursuant to
22 W.S. 21-2-304(a)(iii). To the extent required by ~~the state~~
23 ~~board under W.S. 21-2-304(a)(v) and (vi)~~ W.S. 21-2-204, the
24 district assessment system shall be integrated with the

1 statewide assessment system and the statewide
2 accountability system. A component of the district
3 assessment system required by this paragraph shall include
4 a body of evidence assessment system designed and used to
5 determine the various levels of student performance as
6 described in the uniform student content and performance
7 standards relative to the common core of knowledge and
8 skills prescribed under W.S. 21-9-101(b);

9
10 (xxx) In addition to paragraphs (xvii), (xviii)
11 and (xix), require the performance of each school principal
12 to be evaluated by the district superintendent in
13 accordance with the statewide education accountability
14 system established under W.S. 21-2-204. In accordance with
15 rules and regulations of the state board, the district
16 board shall also provide the state board written reports
17 verifying principal performance and providing performance
18 scores necessary for continued employment.

19
20 **Section 3.** W.S. 21-2-304(a)(vi)(A) through (E) is
21 repealed.

22
23 **Section 4.**

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

22

23 (b) There is created a select committee on statewide
24 education accountability for purposes of carrying out the

1 study prescribed by this section. The select committee
2 shall provide recommendations to the legislature in
3 accordance with subsection (j) of this section. The select
4 committee shall consist of the following members:

5
6 (i) Four (4) members of the Wyoming senate
7 appointed by the president of the senate, with one (1) to
8 be the chairman of the senate education committee and at
9 least one (1) from the minority party; and

10
11 (ii) Four (4) members of the Wyoming house of
12 representatives appointed by the speaker of the house, with
13 one (1) to be the chairman of the house education committee
14 and at least one (1) from the minority party.

15
16 (c) The chairman of the senate education committee
17 and the chairman of the house education committee shall
18 serve as cochairmen of the select committee on statewide
19 education accountability. Appointments shall be made under
20 subsection (b) of this section not later than March 31,
21 2011. Members shall serve on the select committee through
22 the 2012 budget session. Select committee members shall
23 receive compensation, per diem and travel expense

1 reimbursement in the manner and amount prescribed under
2 W.S. 28-5-101.

3

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

9

10 (i) One (1) member who is a superintendent of a
11 Wyoming school district appointed by the Wyoming
12 association of school administrators;

13

14 (ii) Two (2) members who are school principals
15 from a Wyoming school district, one (1) of which is a
16 secondary school principal appointed by the Wyoming
17 association of secondary school principals and one (1), an
18 elementary school principal appointed by the Wyoming
19 association of elementary and middle school principals;

20

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

23

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

5
6 (v) One (1) member who is serving as a trustee
7 on a Wyoming school district board of trustees appointed by
8 the Wyoming school boards association;

9
10 (vi) One (1) member serving on the Wyoming state
11 board of education elected by the board as representative;

12
13 (vii) A representative of the department of
14 education designated by the state superintendent of public
15 instruction;

16
17 (viii) A representative of the governor's office
18 designated by the governor.

19
20 (e) Appointments to the advisory committee pursuant
21 to subsection (d) of this section shall be made by not
22 later than May 1, 2011. The appointing authority for any
23 member who vacates membership shall fill the vacancy.

24

1 (f) The select committee shall review phase one (1)
2 of the statewide education accountability system
3 established under W.S. 21-2-224, as created under section 1
4 of this act, as follows:

5

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

8

9 (ii) Review necessary modifications to the
10 statewide student assessment implemented by the state board
11 of education under W.S. 21-2-304(a)(v), together with
12 supplementation by student assessments administered at the
13 local school district level pursuant to W.S.
14 21-3-110(a)(xxiv) if the recommended local assessment is
15 reliable and valid across all students, schools and school
16 districts statewide, and if the supplemental information
17 allows for a more robust, reliable and valid measure of
18 student achievement;

19

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

1

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

7

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

15

16 (g) The select committee shall also initiate the
17 second phase of the statewide education accountability
18 system, which shall be predicated upon instructional
19 practice and the development of data necessary to establish
20 measures of teaching practice and the effectiveness of
21 classroom teachers, school principals and district
22 administrators in improving student achievement. The
23 select committee shall establish components of effective
24 teaching and administration, shall structure a statewide

1 system for measuring teacher and administrator
2 effectiveness and shall apply measured performance to
3 performance evaluation consequences and incentives. This
4 system shall be based upon a statewide longitudinal data
5 system established by the department linking student
6 assessment results to teachers of record and to school
7 principals of record, enabling computation of the effect on
8 student achievement of school and classroom instruction,
9 targeted student interventions and other educational
10 variables such as class size.

11

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

18

19 (j) The select committee shall assemble
20 recommendations developed under subsections (f), (g) and
21 (h) of this section, including time schedules prescribing
22 implementation for each system component, together with any
23 associated legislation, for submission to the legislature
24 in sufficient time for consideration in the 2012 budget

1 session. The select committee may introduce legislation as
2 other committees of the legislature.

3
4 (k) The legislative service office shall staff the
5 select committee. The department of education and other
6 state agencies shall provide information and other
7 assistance to the select committee as requested in order to
8 fulfill duties prescribed by this section. The legislative
9 service office may retain consultants as necessary to staff
10 and advise the select committee in executing
11 responsibilities prescribed by this section. The
12 management council may expend funds appropriated by the
13 legislature for approved contractual agreements between the
14 council and professional consultants on behalf of the
15 select committee.

16
17 **Section 5.**

18
19 (a) For the period commencing upon the effective date
20 of this act and ending June 30, 2012, unexpended,
21 unobligated amounts appropriated to the legislative service
22 office under 2010 Wyoming Session Laws, Chapter 39, Section
23 334(f)(ii), shall be available for expenditure by the
24 legislative service office for professional consulting

1 expertise and other support necessary to carry out and
2 execute the work of the select committee on statewide
3 education accountability as required under this act.
4 Professional consulting expertise may be retained by the
5 legislative service office only upon approval of the
6 management council, and the unexpended, unobligated amounts
7 may be expended for contractual agreements between the
8 council and professional consultants.

9
10 (b) For the period beginning upon the effective date
11 of this act and ending June 30, 2012, seventy-five thousand
12 dollars (\$75,000.00) is appropriated from the school
13 foundation program account to the legislative service
14 office to fund necessary expenses of the select committee
15 on statewide education accountability established under
16 this act, as necessary to carry out this act.

17
18 **Section 6.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23 (END)