

HOUSE BILL NO. HB0091

Statewide education accountability-phase I.

Sponsored by: Select Committee on Statewide Education
Accountability

A BILL

for

1 AN ACT relating to education accountability; extending
2 timelines specified for phase I of the accountability
3 system under the Wyoming Accountability in Education Act;
4 clarifying specified assessment and accountability
5 provisions; establishing the state board of education as a
6 separate operating agency of state government; modifying
7 board membership and providing salaries; modifying duties
8 and tasks of phase I development and initial
9 implementation; modifying school district assessment
10 requirements for determining graduation eligibility;
11 imposing duties upon the department of enterprise services;
12 authorizing rulemaking and requiring reporting;
13 transferring positions and funds from the department of
14 education to the state board for purposes of implementing
15 this act; providing for subsequent budgeting of the state
16 board; providing appropriations and support for

1 development; authorizing positions; and providing for an
2 effective date.

3
4 *Be It Enacted by the Legislature of the State of Wyoming:*

5
6 **Section 1.** W.S. 9-2-1704(a)(intro) and (d) by
7 creating a new paragraph (xvii), 21-2-202(a)(xxx),
8 21-2-204(c) by creating a new paragraph (vii), (d)(intro),
9 (f)(intro), (v), (vi), (g), (h)(i)(intro) and (j),
10 21-2-301, 21-2-303, 21-2-304(a)(iv)(intro), (v)(E) and (vi)
11 and 21-3-110(a)(xxiv) are amended to read:

12
13 **9-2-1704. Reorganization plan; structure; time frame.**

14
15 (a) Pursuant to this act and other laws establishing
16 individual departments, the entire executive branch of
17 state government shall be organized into not more than
18 ~~sixteen (16)~~ seventeen (17) principal departments except
19 for the offices of the following officials and except as
20 provided in subsections (d) and (e) of this section:

21
22 (d) The entities of state government specified in
23 this subsection are designated as separate operating
24 agencies, which are separate and distinct from the

1 departments and offices specified in subsection (a) of this
2 section because of their quasi-judicial responsibility or
3 because of their unique, specialized function which
4 precludes their inclusion in another department. This act
5 does not otherwise apply to separate operating agencies.
6 Separate operating agencies are as follows:

7
8 (xvii) The state board of education created
9 under W.S. 21-2-301(a).

10
11 **21-2-202. Duties of the state superintendent.**

12
13 (a) In addition to any other duties assigned by law,
14 the state superintendent shall:

15
16 (xxx) Effective school year 2012-2013 and each
17 school year thereafter, in consultation and coordination
18 with local school districts, by rule and regulation
19 establish a program of administering a standardized,
20 curriculum based, achievement college entrance examination,
21 computer-adaptive college placement assessment and a job
22 skills assessment test selected by the state superintendent
23 to all students in the eleventh and twelfth grades
24 throughout the state in accordance with this paragraph. The

1 examinations and tests selected by the state
2 superintendent shall be administered throughout the United
3 States and shall be relied upon by institutions of higher
4 education. The college entrance examination shall at a
5 minimum test in the areas of English, reading, writing,
6 mathematics and science for all students in grade eleven
7 (11). The jobs skills assessment test shall be optional
8 for all students in grade eleven (11) and shall at a
9 minimum test in the areas of applied math, reading for
10 information and locating information. The state
11 superintendent shall pay all costs associated with
12 administering the college entrance examination, the
13 computer-adaptive college placement assessment and the jobs
14 skills assessment test and shall schedule a day during
15 which examinations shall be provided. ~~and one (1) shall be~~
16 ~~administered to all eleventh and twelfth grade students~~
17 ~~throughout the state.~~ The date for administration of the
18 college entrance examination in grade eleven (11) shall be
19 selected so that following receipt of scores, students may
20 timely register for senior year classes which may be
21 necessary to allow the student to qualify for a state
22 provided scholarship. All students in grade twelve (12)
23 shall take the computer-adaptive college placement
24 assessment in the spring. The state superintendent may

1 enter into agreements with an administrator of the college
2 entrance examination and the computer-adaptive college
3 placement assessment and an administrator of the jobs
4 skills assessment test and adopt rules as necessary to
5 ensure compliance with any requirements of an
6 administrator, such as a secure environment. Waivers may be
7 granted for the examinations and tests required by this
8 paragraph for students with disabilities in accordance with
9 the provisions of the federal No Child Left Behind Act of
10 2001 and the federal Individuals with Disabilities
11 Education Act. ~~Alternative~~Alternate assessments and
12 accommodations ~~may~~shall be offered by the state
13 superintendent in accordance with rule and regulation;

14

15 **21-2-204. Wyoming Accountability in Education Act;**
16 **statewide education accountability system created.**

17

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

1 to the department of education. The indicators of school
2 level performance shall be:

3
4 (vii) Equity as defined by a measure of academic
5 student growth for no proficient students in reading and
6 mathematics, subject to a standard for academic progress
7 that is linked to attainment of proficiency within a
8 reasonable period of time. If a school is without a
9 sufficient sequence of assessment scores to support growth
10 computations, another approach to equity may be used
11 subject to approval of the state board.

12
13 (d) Beginning in school year ~~2012-2013~~ 2013-2014, and
14 each school year thereafter, and in accordance with
15 accountability system business rules and design
16 specifications developed by the state board, the department
17 of education shall compute and report an overall school
18 performance rating measured by student performance on those
19 performance indicators specified under subsection (c) of
20 this section. Any school through its school district may
21 seek informal review of any overall school performance
22 rating or other performance determination in accordance
23 with the following:

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

11

12 (v) Schools designated as partially meeting
13 expectations shall file an improvement plan in accordance
14 with paragraph (iv) of this subsection that identifies and
15 addresses all content and indicator areas where performance
16 is below target levels. The state superintendent shall
17 appoint a representative from the department in accordance
18 with paragraph (vii) of this subsection to monitor the
19 school's progress towards meeting the specified goals and
20 implementation of the processes, measures and methods as
21 contained in the school's plan. The representative shall
22 assist the district in identifying and securing the
23 necessary resources to support the goals as stated by the
24 school and the district. Failure to meet improvement goals

1 as specified in the plan for two (2) consecutive years may
2 require that the school be subject to paragraph (vi) of
3 this subsection;

4
5 (vi) Schools designated as not meeting
6 expectations shall file an improvement plan in accordance
7 with paragraph (iv) of this subsection that identifies and
8 addresses all content and indicator areas where performance
9 is below target levels. The state superintendent shall
10 appoint a representative from the department in accordance
11 with paragraph (vii) of this subsection to assist in
12 drafting the improvement plan, including the selection of
13 programs and interventions to improve student performance.
14 The representative shall perform duties as required by
15 paragraph (v) of this subsection. The plan shall be
16 approved by the local board of trustees and submitted to
17 the school district superintendent prior to submission to
18 the department. The plan shall describe the personnel and
19 financial resources within the education resource block
20 grant model as defined by W.S. 21-13-101(a)(xiv) necessary
21 for implementation of the measures and methods chosen for
22 improvement and shall specify how resources shall be
23 reallocated, if necessary, to improve student performance.
24 Failure to meet improvement goals as specified in the plan

1 for two (2) consecutive years may be grounds for dismissal
2 of the school principal;

3
4 (g) Commencing with school year ~~2013-2014~~ 2014-2015,
5 and each school year thereafter, the school district for
6 any school meeting the computed school improvement targets
7 computed under subsection (e) of this section shall
8 continue to receive a foundation program guarantee amount
9 under W.S. 21-13-309(p) for that school without expenditure
10 restrictions and interference imposed at the state level.

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

1 student achievement incorporated into the statewide system.
2 In establishing a reporting system under this subsection,
3 the state board shall describe the performance of each
4 public school in Wyoming. The performance report shall:

5
6 (i) Include an overall school performance rating
7 along with ratings for each of the indicators and content
8 levels in the accountability system that:

9
10 (j) Beginning school year ~~2013-2014~~ 2014-2015, and
11 each school year thereafter, the state board shall annually
12 review the statewide education accountability system,
13 including but not limited to a review of the
14 appropriateness of the performance indicators, the measures
15 used to demonstrate performance, the methods used to
16 calculate school performance, the target levels and
17 statewide, district and school attainment of those levels
18 and the system of support, intervention and consequences.
19 Not later than September 1, ~~2014~~ 2015, and each September 1
20 thereafter, the state board shall report to the joint
21 education interim committee on the information required
22 under this subsection and the results of the accountability
23 system for each school in the state.

24

1 21-2-301. Appointment; qualifications, terms and
2 removal of members; meetings; chairman.

3
4 (a) There is created a state board of education
5 composed of ~~twelve (12)~~ eleven (11) voting members, ~~eleven~~
6 ~~(11) of whom~~ and the state superintendent of public
7 instruction, who shall serve in an ex officio capacity.

8 Voting members shall be appointed ~~members~~ by the governor,
9 with at least one (1) member appointed from each
10 appointment district pursuant to W.S. 9-1-218. ~~The~~

11 ~~remaining voting member of the board shall be the state~~
12 ~~superintendent of public instruction.~~ One (1) appointed

13 member shall be appointed at large and shall be a certified
14 classroom teacher at the time of appointment. One (1)

15 appointed member shall also be appointed at large and shall
16 be a certified school administrator at the time of

17 appointment. Two (2) appointed members shall be appointed
18 at large and shall be representative of private business or

19 industry in Wyoming. The remaining seven (7) appointed
20 members of the board shall be appointed from among the lay

21 citizens of the state who are electors of the state, known
22 for their public spirit, business or professional ability

23 and interest in education. Not more than six (6) appointed
24 members of the board shall be from one (1) political party.

1 Members shall be appointed for six (6) year terms, except
2 those who may be appointed to fill unexpired terms. Members
3 shall be appointed by the governor with the approval of the
4 senate. Vacancies shall be filled by the governor without
5 senate approval until the next session of the legislature.
6 No member is eligible to reappointment, except any member
7 appointed to fill an unexpired term of less than six (6)
8 years ~~and the term expires on or after January 1, 1996,~~ may
9 be reappointed for one (1) additional six (6) year term.
10 Appointed members of the board may be removed by the
11 governor as provided in W.S. 9-1-202.

12

13 (b) During the first quarter of the calendar year a
14 meeting shall be held at which a chairman shall be elected.
15 Meetings may be held at regular intervals as often as the
16 duties of the board require and the board shall meet at the
17 call of ~~the state superintendent of public instruction or~~
18 the governor or the chairman whenever in the opinion of
19 these officials, or any of them, the need for such meeting
20 exists.

21

22 (c) Notwithstanding subsection (a) of this section,
23 the superintendent of public instruction shall not
24 participate in board deliberations on ~~or vote on~~ any matter

1 relating to a contested case involving actions of the
2 department of education.

3
4 **21-2-303. Expenses.**

5
6 All appointed members of the state board shall ~~receive~~
7 ~~travel expenses, be reimbursed for~~ per diem, ~~and~~ mileage
8 ~~expense~~ and expenses and receive salary for attending board
9 meetings and other meetings related to board business in
10 their official capacity as a member of the state board, in
11 the same manner and amount as ~~employees~~ members of the
12 ~~state~~ Wyoming legislature.

13
14 **21-2-304. Duties of the state board of education.**

15
16 (a) The state board of education shall:

17
18 (iv) Effective school year 2013-2014, and each
19 school year thereafter, require district administration of
20 common benchmark adaptive assessments statewide in reading
21 and mathematics for grades one (1) through eight (8) in
22 accordance with W.S. 21-3-110(a)(xxiv). The board shall
23 also establish, in consultation with local school
24 districts, requirements for students to earn a high school

1 diploma as measured by each district's assessment system
2 prescribed by rule and regulation of the state board and
3 required under W.S. 21-3-110(a)(xxiv). Beginning school
4 year 2014-2015, and each school year thereafter, each
5 district's assessment system shall include an enhanced body
6 of evidence system as a measure of high school graduation
7 requirements. The state board shall by rule and regulation
8 establish guidelines for district development of enhanced
9 body of evidence systems and shall through the department
10 of education, provide support to districts in developing
11 each district's enhanced body of evidence system. The
12 state board shall annually review and approve each
13 district's assessment system designed to determine the
14 various levels of student performance and the attainment of
15 high school graduation requirements. A high school diploma
16 shall provide for one (1) of the following endorsements
17 which shall be stated on the transcript of each student:

18

19 (v) Through the state superintendent and in
20 consultation and coordination with local school districts,
21 implement a statewide assessment system comprised of a
22 coherent system of measures that when combined, provide a
23 reliable and valid measure of individual student
24 achievement for each public school and school district

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

11

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

20

21 (vi) Subject to and in accordance with W.S.
22 21-2-204, through the state superintendent and in
23 consultation and coordination with local school districts,
24 by rule and regulation implement a statewide accountability

1 system. The accountability system shall include a
2 technically defensible approach to calculate achievement,
3 growth, ~~and~~ readiness and equity as required by W.S.
4 21-2-204. The state board shall establish performance
5 targets as required by W.S. 21-2-204(e), establish a
6 progressive multi-tiered system of supports, interventions
7 and consequences as required by W.S. 21-2-204(f) and shall
8 establish a statewide reporting system pursuant to W.S.
9 21-2-204(h). The system created shall conform to the
10 January 2012 education accountability report as defined by
11 W.S. 21-2-204(k). In addition and for purposes of complying
12 with requirements under the federal No Child Left Behind
13 Act of 2001, the board shall by rule and regulation provide
14 for annual accountability determinations based upon
15 adequate yearly progress measures imposed by federal law
16 for all schools and school districts imposing a range of
17 educational consequences and supports resulting from
18 accountability determinations;

19

20 **21-3-110. Duties of boards of trustees.**

21

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

24

1 (xxiv) Establish a student assessment system to
2 measure student performance relative to the uniform student
3 content and performance standards in all content areas for
4 which the state board has promulgated standards pursuant to
5 W.S. 21-2-304(a)(iii). To the extent required by W.S.
6 21-2-204 and 21-2-304(a)(vii), the district assessment
7 system shall be integrated with the statewide assessment
8 system and the statewide accountability system. Components
9 of the district assessment system required by this
10 paragraph shall be designed and used to determine the
11 various levels of student performance and attainment of
12 high school graduation as described in the uniform student
13 content and performance standards relative to the common
14 core of knowledge and skills prescribed under W.S.
15 21-9-101(b). Beginning school year 2014-2015 and each
16 school year thereafter, a component of the district
17 assessment system shall include an enhanced body of
18 evidence system developed in accordance with guidelines
19 established by the state board. The district shall on or
20 before August 1, 2015, and each August 1 thereafter, report
21 to the state board in accordance with W.S. 21-2-304(a)(iv)
22 on its assessment system established under this paragraph.
23 Beginning school year 2013-2014 and each school year
24 thereafter, a component of the district assessment system

1 shall include common benchmark adaptive assessments for
2 reading and mathematics in grades two (2) through eight
3 (8), common to all districts statewide, administered at
4 least two (2) times during any one (1) school year and
5 administered once in grade one (1). An additional
6 component of the district assessment system shall continue
7 the longitudinal study of summer school program
8 effectiveness which uses a single common benchmark adaptive
9 assessment in reading and mathematics administered for
10 summer school and extended day intervention and remediation
11 programs in accordance with W.S. 21-13-334(h)(iv);

12

13 **Section 2.** W.S. 21-2-202(b) is repealed.

14

15 **Section 3.**

16

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

23

1 (i) Refine and correct components of the pilot
2 accountability system developed by the state board in a
3 manner that is in accordance with the January, 2012
4 education accountability report and W.S. 21-2-204. In
5 executing this paragraph, the state board shall develop a
6 model reflecting refined and corrected components that is
7 based upon:

8
9 (A) Technically defensible computations of
10 achievement, growth, equity and readiness, with proper
11 consideration provided for inclusion and attribution
12 requirements; and

13
14 (B) Data analyses to evaluate the
15 reliability and validity of each component and the overall
16 accountability system, conducted in a manner consistent
17 with the January, 2012 education accountability report.

18
19 (ii) Include completion of business rules
20 required for the implementation and administration of a
21 fully operational phase I pilot accountability system
22 refined and corrected under paragraph (i) of this
23 subsection;

24

1 (iii) Reconvene the Wyoming education
2 accountability professional judgment panel established
3 under 2012 Wyoming Session Laws, Chapter 101, Section
4 5(b)(ii), expanded as deemed necessary by the state board
5 to include additional and alternative members beyond those
6 members specified under law. The professional judgment
7 panel shall be used by the state board in developing and
8 establishing target performance levels specified under W.S.
9 21-2-204(e);

10

11 (iv) Use available data from prior school years
12 to demonstrate operation of the phase I pilot system
13 subject to business rules developed by the board under
14 paragraph (ii) of this subsection and target performance
15 levels determined by the professional judgment panel under
16 paragraph (iii) of this subsection;

17

18 (v) In consultation with the advisory committee
19 to the select committee on statewide education
20 accountability created under 2011 Wyoming Session Laws,
21 Chapter 184, Section 4(d), and continued under 2012 Wyoming
22 Session Laws, Chapter 101, Section 4(b), design a multi-
23 tiered system of support, interventions and consequences
24 which is coordinated with school performance determinations

1 and complies with W.S. 21-2-204(f). The system of support
2 shall be specified in a design document and implementation
3 plan.

4
5 (b) Pursuant to authority delegated under 2012
6 Wyoming Session Laws, Chapter 26, Section 2, Section 006,
7 Footnote 6, and Section 326, the state chief information
8 officer through the department of enterprise technology
9 services, shall facilitate the provision of data necessary
10 for the state board of education to carry out subsection
11 (a) of this section. In executing this subsection, the
12 department of enterprise technology shall take necessary
13 action to ensure the integrity, accuracy and security of
14 all information and data used in the computations required
15 to establish the pilot accountability system specified
16 under paragraphs (a)(i) and (iv) of this section, as may be
17 required by the state board in executing and reporting
18 overall statewide school performance.

19

20 (c) Not later than October 15, 2013, the state board
21 shall submit a report on phase I of the pilot statewide
22 education accountability system developed under this
23 section to the select committee on statewide education
24 accountability established under 2011 Wyoming Session Laws,

1 Chapter 184, Section 4, and continued by 2012 Wyoming
2 Session Laws, Chapter 101, Section 4. Based upon this
3 report, the select committee shall report its findings and
4 recommendations to the Wyoming legislature prior to the
5 2014 budget session, including implementing legislation and
6 a timeline for implementation when applicable.

7
8 **Section 4.**
9

10 (a) Notwithstanding any other provision of law, the
11 state board of education is authorized the use of four (4)
12 full-time positions within the department of education and
13 funds appropriated to those positions within the department
14 to staff and fund the state board of education to carry out
15 duties prescribed by law and this act for the remainder of
16 the fiscal biennium commencing July 1, 2012. For the
17 fiscal biennium commencing July 1, 2014, the state board
18 shall submit an estimated budget in accordance with W.S.
19 9-2-1011.

20
21 (b) To carry out subsection (a) of this section and
22 following approval of the governor, the department of
23 administration and information shall transfer four (4)
24 full-time vacant or unfilled positions within the

1 department of education to the state board from the
2 administration budget of the department of education, one
3 (1) of which shall be the equivalent of department
4 administrator, one (1) of which shall be the equivalent of
5 a division manager and the remaining two (2) positions
6 shall be the equivalent of clerical and administrative
7 support positions. Job descriptions shall reflect this
8 subsection, and shall be executed by the department of
9 administration and information on behalf of the state
10 board.

11

12 (c) For the period commencing on the effective date
13 of this section and ending June 30, 2014, and in addition
14 to subsections (a) and (b) of this section, up to five
15 hundred thousand dollars (\$500,000.00) is appropriated from
16 the school foundation program account to the state board of
17 education to carry out duties imposed upon the board by
18 this act. This appropriation may be expended for
19 acquisition of necessary professional consulting expertise.
20 The state board shall report expenditures of amounts
21 appropriated under this subsection to members of the select
22 committee on statewide education accountability on or
23 before January 15, 2014.

24

1 (d) To carry out section 3(b) of this act, up to
2 three hundred fifty thousand dollars (\$350,000.00) is
3 appropriated from the school foundation program account to
4 the department of enterprise services for the period
5 commencing on the effective date of this section and ending
6 June 30, 2014. In addition, the department is authorized
7 two (2) full-time positions. Of the amount appropriated
8 under this subsection, one hundred seventy-seven thousand
9 seven hundred eighty-four dollars (\$177,784.00) shall be
10 expended by the department for the additional positions,
11 including position support costs and one-time set-up costs.
12 The department may expend amounts appropriated under this
13 subsection for contract expertise necessary to support data
14 reporting needs of the state board as required by section
15 3(b) of this act. The department shall report expenditures
16 of amounts appropriated under this subsection to members of
17 the select committee on statewide education accountability
18 on or before January 15, 2014.

19

20 (e) In addition to support provided to the state
21 board of education under this section, the legislative
22 service office, through acquired professional consulting
23 expertise, shall assist the state board in carrying out the
24 provisions of this act.

1

2 **Section 5.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

6

7 (END)