

SENATE FILE NO. SF0110

State education accountability and assessment-2.

Sponsored by: Senator(s) Rothfuss, Anderson, J.D. (SD02),
Coe, Hicks, Landen, Peterson and
Wasserburger and Representative(s) Freeman,
Harshman, Jaggi, Northrup, Paxton, Sommers
and Throne

A BILL

for

1 AN ACT relating to statewide assessment and accountability;
2 providing for phase I school accountability implementation
3 and refinement; modifying the statewide education
4 assessment; modifying district assessment systems; imposing
5 reporting requirements; providing an appropriation; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 21-2-204(c)(intro), (ii)(intro), (A)
11 and (d)(intro) and 21-2-304(a)(iv)(intro) and (v)(B) are
12 amended to read:

13

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

3
4 (c) Beginning school year 2016-2017 school level
5 performance shall be determined biennially by measurement
6 of performance indicators and attainment of student
7 performance as specified by this section. To the extent
8 applicable, each measure shall be aggregated to the school
9 level based upon those grades served inclusive to each
10 school as reported by the respective school district to the
11 department of education. The indicators of school level
12 performance shall be:

13
14 (ii) Student academic achievement in reading,
15 mathematics, and science ~~and writing and language~~ as
16 measured by:

17
18 (A) The statewide assessment administered
19 under W.S. 21-2-304(a)(v) in ~~+~~ grades three (3), five (5),
20 seven (7) and nine (9);

21
22 (d) Beginning in school year ~~2013-2014~~ 2016-2017, ~~and~~
23 ~~each school year thereafter,~~ the department of education

1 shall biennially compute and report an overall school
2 performance rating measured by aggregating student
3 performance for two (2) consecutive years on those
4 performance indicators specified under subsection (c) of
5 this section. Any school through its school district may
6 seek informal review of any overall school performance
7 rating or other performance determination in accordance
8 with the following:

9
10 **21-2-304. Duties of the state board of education.**

11
12 (a) The state board of education shall:

13
14 (iv) Effective school year 2013-2014, and each
15 school year thereafter, require district administration of
16 common benchmark adaptive assessments statewide in reading
17 and mathematics for grades one (1) through eight (8) in
18 accordance with W.S. 21-3-110(a)(xxiv). The board shall
19 also establish, in consultation with local school
20 districts, requirements for students to earn a high school
21 diploma as measured by each district's assessment system
22 prescribed by rule and regulation of the state board and
23 required under W.S. 21-3-110(a)(xxiv). Beginning school

1 year 2014-2015, and each school year thereafter, each
2 district's assessment system shall include a measure or
3 multiple measures for purposes of determining completion of
4 high school graduation requirements. The state board shall
5 by rule and regulation establish guidelines for district
6 development of this measure or measures, and shall through
7 the department of education, provide support to districts
8 in developing each district's measure or measures. The
9 rules and regulations shall include reasonable restrictions
10 on the aggregate time required for administration of any
11 school district assessments utilized to demonstrate
12 compliance with this paragraph. Any school district
13 assessment administered in excess of the limitations
14 prescribed by rule and regulation of the board shall not be
15 considered in determining compliance with any minimum
16 school day or pupil teacher contact time requirements,
17 including but not limited to the requirements of W.S.
18 21-2-304(b)(viii) and 21-13-307(a)(ii). The state board
19 shall through the department, annually review and approve
20 each district's assessment system designed to determine the
21 various levels of student performance and the attainment of
22 high school graduation requirements. A high school diploma

1 shall provide for one (1) of the following endorsements
2 which shall be stated on the transcript of each student:

3
4 (v) Through the director and in consultation and
5 coordination with local school districts, implement a
6 statewide assessment system comprised of a coherent system
7 of measures that when combined, provide a reliable and
8 valid measure of individual student achievement for each
9 public school and school district within the state, and the
10 performance of the state as a whole. Statewide assessment
11 system components shall be in accordance with requirements
12 of the statewide education accountability system pursuant
13 to W.S. 21-2-204. Improvement of teaching and learning in
14 schools, attaining student achievement targets for
15 performance indicators established under W.S. 21-2-204 and
16 fostering school program improvement shall be the primary
17 purposes of statewide assessment of student performance in
18 Wyoming. The statewide assessment system shall:

19
20 (B) Effective school year ~~2012-2013~~ 2015-
21 2016, and each school year thereafter, be administered in
22 specified grades aligned to the student content and
23 performance standards, specifically assessing student

1 performance in reading, and mathematics and science at
2 grades ~~three (3) through eight (8)~~. In addition, the
3 ~~statewide assessment system shall assess student~~
4 ~~performance in science in grades four (4) and eight (8)~~. As
5 ~~a component of the statewide assessment system but~~
6 ~~separately administered, the statewide writing and language~~
7 ~~assessment shall be a valid, reliable and robust measure of~~
8 ~~student writing and language according to the writing and~~
9 ~~language content and performance standards promulgated~~
10 ~~under paragraph (iii) of this subsection implementing the~~
11 ~~common core of knowledge and skills as required by W.S.~~
12 ~~21-9-101, and shall allow for monitoring and evaluation of~~
13 ~~annual trends in student and school level writing and~~
14 ~~language performance. Effective school year 2013-2014 and~~
15 ~~each school year thereafter, the statewide writing and~~
16 ~~language assessment shall be administered to grades three~~
17 ~~(3), five (5) and seven (7)~~. The structure and design of
18 ~~the assessment system shall allow for the comprehensive~~
19 ~~measurement of student performance through assessments that~~
20 ~~are administered each school year simultaneously on a~~
21 ~~statewide basis, with the writing and language assessment~~
22 ~~administered separately statewide~~ three (3), five (5),
23 seven (7) and nine (9);

1

2 **Section 2.** W.S. 21-2-204(c)(ii)(A)(I) through (III)
3 and (iii) and 21-2-304(a)(v)(E) are repealed.

4

5 **Section 3.**

6

7 (a) For school year 2015-2016 only, the statewide
8 student performance assessment required under W.S.
9 21-2-304(a)(v), as amended by sections 1 and 2 of this act,
10 shall be administered in grades three (3), five (5), seven
11 (7) and nine (9) and shall consist of a single standards-
12 based assessment to assess English, math, reading, science
13 and writing. The assessment shall include multiple choice,
14 constructed response and technology enhanced items and
15 shall be administered online using state-of-the-art
16 technology with the option to assess by paper and pencil.

17

18 (b) For school year 2016-2017 and each school year
19 thereafter, the state board of education shall determine
20 the appropriate assessment or assessments that best serve
21 the state's educational interests and that are necessary to
22 comply with all state and federal laws. Not later than
23 October 1, 2015, the state board shall report to the select

1 committee on statewide accountability and the joint
2 education interim committee on the status of the statewide
3 student assessment and the future plans for the statewide
4 student assessment required under W.S. 21-2-304(a)(v) as
5 amended by sections 1 and 2 of this act.

6
7 (c) The state board with assistance from the state
8 superintendent shall immediately apply to the United States
9 department of education for a waiver of the federal No
10 Child Left Behind Act of 2001 to allow for the
11 administration of the statewide student assessment for
12 school year 2015-2016 as required under subsection (a) of
13 this section. The state superintendent shall report each
14 month to the select committee on statewide accountability
15 and the joint education interim committee on the status of
16 this waiver and not later than August 15, 2015, the state
17 board shall report to the select committee on statewide
18 accountability and the joint education interim committee on
19 any action taken under this subsection and any additional
20 waivers that may be necessary to administer this act.

21
22 **Section 4.**
23

1 (a) Notwithstanding any other provision of law,
2 beginning school year 2015-2016 and each year thereafter,
3 the department of education shall cease collection of data
4 from school districts by student name. Student specific
5 data reported to the department of education by school
6 districts shall reference the student through an anonymized
7 value using a one way encryption mechanism to prevent the
8 disclosure of the student's named identity. The department
9 of education shall in no event collect the names of any
10 students for any data purpose or verification.

11

12 (b) Not later than May 1, 2015, the department of
13 education in coordination with the state chief information
14 officer shall identify an appropriate means to collect
15 student data in accordance with the requirements of
16 subsection (a) of this section and not later than May 15,
17 2015, shall inform all Wyoming school districts of the
18 chosen method and necessary policies and procedures
19 required for collection of student data.

20

21 **Section 5.** There is appropriated five hundred
22 thousand dollars (\$500,000.00) from the school foundation
23 program account fund to the attorney general. This

1 appropriation shall be for the period beginning July 1,
2 2015 and ending June 30, 2016. This appropriation shall
3 only be expended for the purpose of defending or taking
4 action before any state or federal court or administrative
5 agency to challenge the enforcement of any order or action
6 to withhold funds related to the state's noncompliance with
7 the requirements of the federal No Child Left Behind Act of
8 2001 as a result of actions required under this act.
9 Notwithstanding any other provision of law, this
10 appropriation shall not be transferred or expended for any
11 other purpose and any unexpended, unobligated funds
12 remaining from this appropriation shall revert as provided
13 by law on June 30, 2016. This appropriation shall not be
14 included in the attorney general's 2017-2018 standard
15 biennial budget request. The attorney general shall report
16 expenditures of amounts appropriated under this subsection
17 to the select committee on statewide accountability and the
18 joint education interim committee initially on or before
19 October 1, 2015 and periodically thereafter until the
20 amount appropriated is expended or the expenditure
21 authority expires, whichever first occurs.

1

2 **Section 6.** 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)