

HOUSE BILL NO. HB0040

Education accountability.

Sponsored by: Select Committee on Statewide Education
Accountability

A BILL

for

1 AN ACT relating to education accountability; modifying the
2 Wyoming Accountability in Education Act as specified;
3 modifying provisions to comply with the federal Every
4 Student Succeeds Act; conforming provisions; continuing the
5 operation of the advisory committee to the select committee
6 on statewide education accountability; requiring reporting;
7 and providing for effective dates.

8

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

10

11 **Section 1.** W.S. 21-2-202(a)(xiv) and (xxxvi),
12 21-2-204(c) by creating a new paragraph (viii), by creating
13 a new subsection (e), by amending and renumbering (e) as
14 (f), by amending and renumbering (f) as (h), by renumbering
15 (h) as (j) and by amending and renumbering (j) and (k) as

1 (k) and (m), 21-2-304(a)(vi) and 21-13-307(a)(iv) are
2 amended to read:

3

4 **21-2-202. Duties of the state superintendent.**

5

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

8

9 (xiv) For purposes of the statewide assessment
10 of students and reporting student performance under W.S.
11 21-2-304(a)(v), have authority to assess and collect
12 student educational assessment data from school districts,
13 community colleges and the University of Wyoming. All data
14 shall be consolidated, combined and analyzed in accordance
15 with W.S. ~~21-2-204(h)~~ 21-2-204(j) and shall be provided
16 within a reasonable time in accordance with rules and
17 regulations of the state board;

18

19 (xxxvi) Commencing school year 2015-2016, in
20 conjunction with the school district accreditation process
21 required under W.S. 21-2-304(a)(ii) and as a component of
22 the statewide education accountability system created under
23 W.S. 21-2-204, conduct a review of each school district's

1 assessment system once every five (5) years to ensure
2 alignment with the uniform state education standards
3 promulgated by the state board, and to ensure district
4 adherence to the uniform graduation standards prescribed by
5 the state board under W.S. 21-2-304(a)(iii). Reviews
6 undertaken pursuant to this paragraph, together with
7 findings, shall be reported to the state board and any
8 deficiencies determined by the review shall be addressed
9 through the statewide system of support established under
10 W.S. ~~21-2-204(f)~~ 21-2-204(h).

11

12 **21-2-204. Wyoming Accountability in Education Act;**
13 **statewide education accountability system created.**

14

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

23

1 (viii) English language proficiency as measured
2 by student longitudinal progress on the Wyoming English
3 language proficiency assessments used to evaluate and
4 monitor the English language proficiency of students
5 identified as English language learners.

6
7 (e) The state board, through the department of
8 education, shall establish long term and interim
9 performance targets for all Wyoming schools for the
10 indicators measured pursuant to subsection (c) of this
11 section. The performance targets shall conform to the
12 January 2012 education accountability report, revised by
13 the December 2016 report, as defined by subsection (m) of
14 this section. The state board shall utilize the performance
15 targets in carrying out the duties and the deliberative
16 process required under subsection (f) of this section.

17
18 ~~(e)~~ (f) The state board, through the department of
19 education, shall compile, evaluate and determine the target
20 levels for an overall school performance rating and for
21 ~~content~~ indicator level performance. The board shall
22 execute this determination when a significant aspect of the
23 school accountability system changes or based upon periodic

1 review of the system that requires evaluation of the target
2 and indicator levels for school performance ratings through
3 a prescribed deliberative process informed by a panel
4 comprised of broad based representation from both public
5 education and the community at-large. The target levels for
6 school performance on all performance indicators measured
7 under subsection (c) of this section shall conform to the
8 January 2012 education accountability report, revised by
9 the December 2016 report, as defined by subsection ~~(k)~~ (m)
10 of this section and shall be used by the state board
11 through the department to:

12

13 (i) Identify four (4) levels of school
14 performance tied to the overall school performance rating
15 that demonstrate a range of performance levels as follows:

16

17 (A) Exceeding expectations including those
18 schools performing above standards in all measured areas;

19

20 (B) Meeting expectations;

21

22 (C) Partially meeting expectations; and

23

1 (D) Not meeting expectations.

2

3 (ii) Further measure performance specified under
4 paragraph (i) of this subsection by identifying ~~content~~
5 indicator level performance in all areas specified by
6 subsection (c) of this section and from this analysis
7 determine schools that are exceeding, meeting or are below
8 targets in each content area;

9

10 (iii) Coordinate the target levels, school and
11 ~~content~~ indicator level determinations with the
12 availability of the system of support, including
13 comprehensive and targeted support and interventions ~~and~~
14 ~~consequences~~ administered in accordance with subsection ~~(f)~~
15 (h) of this section.

16

17 ~~(f)~~ (h) A progressive multi-tiered system of support,
18 and intervention ~~and consequences~~ to assist schools shall
19 be established by the state board, and shall conform to the
20 January 2012 education accountability report, revised by
21 the December 2016 report, as defined by subsection ~~(k)~~ (m)
22 of this section. The system shall clearly identify and
23 prescribe the actions for each level of support, including

1 ~~comprehensive and targeted support and~~ intervention. ~~and~~
2 ~~consequence.~~ Commencing with school year 2014-2015, and
3 each school year thereafter, the state superintendent shall
4 take action based upon system results according to the
5 following:

6
7 (i) Repealed By Laws 2012, Ch. 101, § 2.

8
9 (ii) Repealed By Laws 2012, Ch. 101, § 2.

10
11 (iii) ~~Schools designated as exceeding~~
12 ~~expectations shall file a communication plan with the~~
13 ~~school district superintendent and the department to~~
14 ~~document effective practices and to communicate effective~~
15 ~~practices with other schools in the state;~~

16
17 (iv) ~~Schools designated as meeting expectations~~
18 ~~shall file an improvement plan with the school district~~
19 ~~superintendent and the department. The plan shall be based~~
20 ~~upon an evaluation of the strengths and deficiencies of~~
21 ~~specific indicator scores that identifies appropriate~~
22 ~~improvement goals with an explanation of the measures and~~
23 ~~methods chosen for improvement, the processes to be~~

1 ~~implemented to deliver the improvement measures,~~
2 ~~identification of relevant timelines and benchmarks and an~~
3 ~~articulation of the process for measuring success of the~~
4 ~~methods chosen to increase performance. The state~~
5 ~~superintendent shall appoint a representative in accordance~~
6 ~~with paragraph (vii) of this subsection to monitor the~~
7 ~~school's progress towards meeting the specified goals and~~
8 ~~implementation of the processes, measures and methods as~~
9 ~~contained in the school's plan. The representative shall~~
10 ~~assist the district, if requested, in identifying and~~
11 ~~securing the necessary resources to support the goals as~~
12 ~~stated by the school and the district;~~

13
14 (v) Schools designated as partially meeting
15 expectations shall file an improvement plan ~~in accordance~~
16 ~~with paragraph (iv) of this subsection~~ with the school
17 district superintendent and the department that identifies
18 and addresses all content and indicator areas where
19 performance is below target levels. The plan shall be based
20 upon an evaluation of the strengths and deficiencies of
21 specific indicator scores that identifies appropriate
22 improvement goals with an explanation of the measures and
23 methods chosen for improvement, the processes to be

1 implemented to deliver the improvement measures,
2 identification of relevant timelines and benchmarks and an
3 articulation of the process for measuring success of the
4 methods chosen to increase performance. The state
5 superintendent shall appoint a representative in accordance
6 with paragraph (vii) of this subsection to monitor the
7 school's progress towards meeting the specified goals and
8 implementation of the processes, measures and methods as
9 contained in the school's plan. The representative shall
10 assist the district in identifying and securing the
11 necessary resources to support the goals as stated by the
12 school and the district. Failure to meet improvement goals
13 as specified in the plan for two (2) consecutive years may
14 require that the school be subject to paragraph (vi) of
15 this subsection;

16

17 (vi) Schools designated as not meeting
18 expectations shall file an improvement plan in accordance
19 with paragraph ~~(iv)~~ (v) of this subsection that identifies
20 and addresses all content and indicator areas where
21 performance is below target levels. In addition, the
22 evaluation of a district's student assessment system as
23 provided by paragraph (vii) of this subsection may be

1 undertaken in that school year immediately following any
2 school year in which a school within the district has been
3 designated as not meeting expectations. The state
4 superintendent shall appoint a representative in accordance
5 with paragraph (vii) of this subsection to assist in
6 drafting the improvement plan, including the selection of
7 programs and interventions to improve student performance.
8 The representative shall perform duties as required by
9 paragraph (v) of this subsection. The plan shall be
10 recommended by the school district superintendent and
11 approved by the local board of trustees prior to submission
12 to the department. The plan shall describe the personnel
13 and financial resources within the education resource block
14 grant model as defined by W.S. 21-13-101(a)(xiv) necessary
15 for implementation of the measures and methods chosen for
16 improvement and shall specify how resources shall be
17 reallocated, if necessary, to improve student performance;

18

19 (vii) A representative shall be appointed by the
20 state superintendent, in consultation with the local board
21 of trustees, for all schools designated under paragraphs
22 ~~(iv) through~~ (v) and (vi) of this subsection to serve as a
23 liaison between the school district leadership and the

1 department. The representative shall be an employee of the
2 department, an employee of a Wyoming school district or any
3 combination, and may require more than one (1) individual
4 for schools requiring substantial intervention and support.
5 Additionally, one (1) representative may be assigned to
6 more than one (1) school. Among other duties as may be
7 requested by the district or department, the representative
8 shall review and provide suggestions on the improvement
9 plans submitted by schools in accordance with paragraphs
10 ~~(iv) through~~ (v) and (vi) of this subsection, and may
11 review and evaluate district student assessment systems
12 implemented under W.S. 21-3-110(a)(xxiv) to ensure
13 alignment with the uniform state education standards.
14 After one (1) year of a school not meeting expectations
15 under paragraph (vi) of this subsection, approval of the
16 improvement plan by the representative appointed under this
17 subsection shall be required. Requested resources for
18 improvement plan implementation, or the reallocation of
19 existing resources for plan implementation, shall be based
20 upon a comprehensive review of the available research.
21 Justification for resource allocation or reallocation shall
22 be incorporated within the written improvement plan. The
23 representative shall possess expertise appropriate to

1 particular strategies incorporated within improvement plans
2 to enable necessary plan evaluation, and shall be
3 commensurate with the level of intervention, and support
4 ~~and consequences~~ to be administered under this subsection.
5 The state superintendent shall annually report to the state
6 board on the progress of each school in meeting annual
7 goals and overall improvement targets, fully describing the
8 effectiveness and deficiencies of efforts to improve school
9 performance in performance categories prescribed by this
10 section;

11

12 (viii) To the extent permitted by law and rule
13 and regulation, plans submitted in compliance with
14 paragraphs ~~(iii) through~~ (v) and (vi) of this subsection
15 shall serve to comply with similar requirements
16 administered by the state superintendent and the
17 department, and the state board shall ensure the plans
18 minimize submission of duplicative information, material
19 and the administrative burdens placed upon schools. In
20 addition, the following shall apply to the plans submitted
21 under this subsection:

22

1 (A) All plans submitted under this
2 subsection shall be made available for public inspection
3 through internet access as defined by W.S.
4 9-2-1035(a) (iii);

5
6 (B) Schools designated as partially meeting
7 expectations under paragraph (v) of this subsection or
8 designated as not meeting expectations under paragraph (vi)
9 of this subsection shall file the required improvement plan
10 the first year of designation and submit yearly updates on
11 the progress towards the goals and strategies outlined in
12 the improvement plan so long as the school maintains the
13 same performance designation.

14
15 (ix) In addition to paragraphs ~~(iii)~~ (v) through
16 (viii) of this subsection, the state board shall administer
17 this subsection as part of school district accreditation
18 required under W.S. 21-2-304(a) (ii), through appropriate
19 administrative action taken in accordance with W.S.
20 21-2-304(b) (ii).

21
22 ~~(h)~~ (j) Measured performance results obtained and
23 collected pursuant to this section, together with

1 subsequent actions responding to results, shall be combined
2 with other information and measures maintained and acquired
3 under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H),
4 21-3-110(a)(xxiv) and otherwise by law, to be used as the
5 basis of a statewide system for providing periodic and
6 uniform reporting on the progress of state public education
7 achievement compared to established targets. The statewide
8 accountability system shall include a process for
9 consolidating, coordinating and analyzing existing
10 performance data and reports for purposes of aligning with
11 the requirements of this section and for determinations of
12 student achievement incorporated into the statewide system.
13 In establishing a reporting system under this subsection,
14 the department shall describe the performance of each
15 public school in Wyoming. The performance report shall:

16

17 (i) Include an overall school performance rating
18 along with ratings for each of the indicators and content
19 levels in the accountability system that:

20

21 (A) Supports the overall school performance
22 rating; and

23

1 (B) Provides detailed information for
2 analysis of school performance on the various components of
3 the system.

4
5 (ii) In a manner to maintain student
6 confidentiality, be disaggregated as appropriate by content
7 level, target level, grade level and appropriate subgroups
8 of students. For purposes of this paragraph, reported
9 subgroups of students shall include at minimum,
10 economically disadvantaged students, English language
11 learners, identified racial and ethnic groups and students
12 with disabilities;

13
14 (iii) Provide longitudinal information to track
15 student performance on a school, district and statewide
16 basis;

17
18 (iv) Include, through the use of data
19 visualization techniques, the development of longitudinal
20 student-level reports of assessment and other relevant
21 readiness indicators that provide information to parents,
22 teachers and other school personnel regarding student
23 progress toward college and career readiness and other

1 relevant outcomes. These reports shall be maintained by
2 the district in each student's permanent record within the
3 district's student data system; and
4

5 (v) Provide valid and reliable data on the
6 operation and impact of the accountability system
7 established under this section for use by the legislature
8 to analyze system effectiveness and to identify system
9 improvements that may be necessary.
10

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

1 results of the accountability system for each school in the
2 state.

3
4 ~~(k)~~ (m) As used in this section, the "January 2012
5 education accountability report" means the report prepared
6 by legislative consultants submitted to and approved by the
7 legislature that addresses phase one of the statewide
8 accountability in education system and establishes the
9 design framework for this system. The January 2012
10 education accountability report includes the additional
11 guidance and further refinement as provided in the December
12 2016 report submitted to the legislature. The ~~report is~~
13 reports are on file with and available for public
14 inspection from the legislative service office.

15

16 **21-2-304. Duties of the state board of education.**

17

18 (a) The state board of education shall:

19

20 (vi) Subject to and in accordance with W.S.
21 21-2-204, through the state superintendent and in
22 consultation and coordination with local school districts,
23 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, readiness and equity as required by W.S. 21-2-204.
4 The state board shall establish performance targets as
5 required by W.S. ~~21-2-204(e)~~ 21-2-204(f), establish a
6 progressive multi-tiered system of supports, and
7 interventions ~~and consequences~~ as required by W.S.
8 ~~21-2-204(f)~~ 21-2-204(h) and shall establish a statewide
9 reporting system pursuant to W.S. ~~21-2-204(h)~~ 21-2-204(j).
10 The system created shall conform to the January 2012
11 education accountability report as defined by W.S.
12 ~~21-2-204(k)~~ 21-2-204(m). ~~In addition~~ As part of the
13 statewide accountability system, and for purposes of
14 complying with requirements under the federal ~~No Child Left~~
15 ~~Behind Act of 2001~~ Every Student Succeeds Act, the board
16 shall by rule and regulation provide for annual
17 accountability determinations based upon ~~adequate yearly~~
18 ~~progress~~ measures imposed by federal law for all schools
19 and school districts imposing a range of educational
20 ~~consequences~~ interventions and supports resulting from
21 accountability determinations;
22

1 **21-13-307. Eligibility to share in distribution of**
2 **money from foundation account; mandatory financial**
3 **reporting.**

4
5 (a) Each district which meets the following
6 requirements is eligible to share in the distribution of
7 funds from the foundation account:

8
9 (iv) The district shall provide evidence to the
10 state superintendent that the district has maintained an
11 average student-teacher ratio of not greater than sixteen
12 (16) to one (1) for the aggregate of all classes in
13 kindergarten through grade three (3) in the district in the
14 preceding school year. The requirement of this paragraph
15 may be waived by the department of education for any
16 district that demonstrates insufficient school facility
17 capacity, positive school performance, positive student
18 achievement or for other reasons related to the delivery of
19 the education program to students. This paragraph shall
20 not apply to charter schools established under W.S.
21 21-3-301 through 21-3-314 or schools designated as
22 exceeding expectations pursuant to W.S. ~~21-2-204(e)(i)(A)~~
23 21-2-204(f)(i)(A). Schools designated as exceeding

1 expectations pursuant to W.S. ~~21-2-204(e)(i)(A)~~
2 21-2-204(f)(i)(A) shall notify the department annually of
3 the student teacher ratios for the aggregate of all classes
4 in kindergarten through grade three (3) in the district in
5 the preceding year. The department shall compute the
6 student-teacher ratio and report it to each district not
7 later than March 1 of each year. To obtain a waiver under
8 this paragraph, a school district shall apply to the
9 department not later than March 15 of each year. The
10 application shall be based on the student-teacher ratio
11 reported by the department of education, together with any
12 other information required by the department. The
13 department shall approve or deny an application for a
14 waiver under this paragraph not later than April 10 of that
15 year. A waiver approved under this paragraph shall be
16 effective for the school year immediately following the
17 application and approval.

18

19 **Section 2.** W.S. 21-2-204(c)(i), (iv) and (vii), as
20 amended by 2016 Wyoming Session Laws, Chapter 113, Section
21 1, is amended to read:

22

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

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

12
13 (i) Student longitudinal academic growth in
14 English language arts and mathematics as measured by
15 assessments administered under paragraph (ii) of this
16 subsection, beginning in grade four (4) and for all
17 subsequent grades for which a state summative achievement
18 assessment is administered in the immediately preceding
19 grade, including a standardized college readiness test in
20 grade eleven (11);

21
22 (iv) Post secondary readiness, as defined by a
23 ~~standardized college entrance examination administered~~

1 ~~pursuant to W.S. 21-2-202(a)(xxx) in grade eleven (11),~~
2 ~~together with a readiness indicator defined by a series of~~
3 ~~student eligibility data reports generated under the~~
4 ~~Hathaway student scholarship program established by W.S.~~
5 ~~21-16-1301 through 21-16-1310~~ the state board of education,
6 with ~~school level~~ results aggregated at the school level
7 according to ~~a procedure in which values and weights~~
8 ~~determined by a deliberate method are tied to specified~~
9 ~~definitions of post secondary readiness;~~ deliberative
10 methods, shall include:

11
12 (A) College readiness as measured by a
13 standardized college entrance examination administered
14 pursuant to W.S. 21-2-202(a)(xxx) in grade eleven (11) and
15 other college readiness indicators as determined by the
16 state board of education; and

17
18 (B) Career readiness, as measured by
19 validated career readiness assessments, as determined by
20 the state board of education.

21
22 (vii) Equity as defined by a measure of academic
23 student growth for ~~nonproficient~~ students that score below

1 the proficient standard in English language arts and
2 mathematics, subject to a standard for academic progress
3 that is linked to attainment of proficiency within a
4 reasonable period of time. If a school is without a
5 sufficient sequence of assessment scores to support growth
6 computations, another approach to equity may be used
7 subject to approval of the state superintendent;=

8
9 **Section 3.** W.S. 21-2-204(c)(ii)(B) is repealed.

10
11 **Section 4.** W.S. 21-2-204(f)(iii) and (iv) renumbered
12 in Section 1 of this act as (h)(iii) and (iv) is repealed.

13
14 **Section 5.** Notwithstanding 2016 Wyoming Session Laws,
15 Chapter 113, Section 3(b), the advisory committee to the
16 select committee on statewide education accountability
17 shall continue to exist and shall assist the select
18 committee as the select committee deems necessary through
19 December 31, 2018. The members appointed under 2011
20 Wyoming Session Laws, Chapter 184, Section 4(d), as amended
21 by 2013 Wyoming Session Laws, Chapter 195, Section 3 and
22 2015 Wyoming Session Laws, Chapter 30, Section 5, shall
23 continue to serve on the advisory committee. The

1 appointing authority for any member who vacates membership
2 shall fill the vacancy. Any member appointed or serving on
3 the advisory committee who is not an employee of a
4 governmental subdivision or a member of a political
5 subdivision, board or commission shall receive per diem and
6 travel expenses in the manner and amount provided to state
7 employees under W.S. 9-3-103. Payment shall be from amounts
8 appropriated under 2016 Wyoming Session Laws, Chapter 113,
9 Section 6(b). The legislative service office shall continue
10 to staff the advisory committee.

11

12 **Section 6.**

13

14 (a) The advisory committee to the select committee on
15 statewide education accountability shall consider
16 development of an additional indicator or indicators to
17 measure school quality or student success as part of the
18 Wyoming Accountability in Education Act. Not later than
19 August 15, 2017, the advisory committee shall report to the
20 select committee on statewide education accountability
21 recommendations for the additional indicator or indicators.
22 The report shall include identification of any enabling
23 legislation that may be necessary.

1

2 (b) The state board of education shall identify the
3 measures and method to determine post secondary readiness
4 as required under W.S. 21-2-204(c)(iv) as amended by
5 section 2 of this act. Not later than August 15, 2017, the
6 state board shall report to the select committee on
7 statewide education accountability the methods and process
8 recommended to determine post secondary readiness. The
9 methods and process shall conform to recommendations
10 provided by the advisory committee to the select committee
11 on statewide education accountability. The report shall
12 include identification of any enabling legislation that may
13 be necessary.

14

15 (c) The state board, through the department of
16 education, shall conduct the deliberative process required
17 under W.S. 21-2-204(f) as amended by section 1 of this act
18 to set the target and indicator levels to determine the
19 overall school performance ratings for school year
20 2017-2018. The state board shall include documentation and
21 explanation of the deliberative process and benchmarks
22 established in the September 1, 2018 report required under
23 W.S. 21-2-204(j) as amended by section 1 of this act.

1

2 Section 7.

3

(a) Sections 5 and 6 of this act are 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.

8

9 (b) Except as provided in subsection (a) of this
10 section, this act is effective July 1, 2017.

11

12 (END)