

HOUSE BILL NO. HB0126

State assessment-accountability system-2.

Sponsored by: Representative(s) Wasserburger and  
Senator(s) Coe and Job

A BILL

for

1 AN ACT relating to public education; specifying  
2 requirements for the statewide assessment of student  
3 performance; establishing a statewide accountability system  
4 for the state, school districts and schools with respect to  
5 student performance; imposing duties upon the  
6 superintendent of public instruction, department of  
7 education, state board of education and a statewide task  
8 force for statewide assessment and accountability;  
9 specifying assessment timelines and requiring a pilot test  
10 for the assessment system; imposing reporting requirements;  
11 providing an appropriation; and providing for effective  
12 dates.

13

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

15

1           **Section 1.** W.S. 21-2-304(a)(v) and by creating a new  
2 paragraph (vi) and 21-3-110(a)(xxiv) are amended to read:

3

4           **21-2-304. Duties of the state board of education.**

5

6           (a) The state board of education shall:

7

8                       (v) Through the state superintendent and the  
9 department of education, and in consultation and  
10 coordination with local school districts, implement and  
11 maintain a statewide assessment system ~~for measuring~~  
12 comprised of a coherent system of measures that when  
13 combined, provide a reliable and valid measure of  
14 individual student achievement for each public school and  
15 school district within the state, and the performance of  
16 the state as a whole. Improvement of teaching and learning  
17 in schools and fostering school program improvement shall  
18 be the primary purposes of statewide assessment of student  
19 performance in Wyoming. The statewide assessment system  
20 shall:

21

22                               (A) Measure individual student performance  
23 and progress ~~based upon~~ substantially aligned with the  
24 uniform educational program and student content and

1 performance standards imposed by law and by board rule and  
2 regulation; ~~The assessment system shall~~

3  
4 (B) Be administered at appropriate levels  
5 at specified grades and at appropriate intervals aligned to  
6 the standards, ~~The assessment system shall be aligned to~~

7 ~~the statewide educational program standards, shall~~

8 specifically ~~assess~~ assessing student performance in  
9 reading, writing and mathematics at grades four (4), eight  
10 (8) and eleven (11), and effective school year 2005-2006,

11 and each school year thereafter, assessing student

12 performance in reading, writing and mathematics at grades  
13 three (3) through eight (8) and at grade eleven (11). In

14 addition and commencing school year 2007-2008 and each

15 school year thereafter, the statewide assessment system

16 shall assess student performance in science not less than

17 once within each grade band for grades three (3) through

18 five (5), grades six (6) through eight (8) and grades ten

19 (10) through twelve (12). The structure and design of the

20 assessment system shall allow for the comprehensive

21 measurement of student performance through assessments that

22 are administered each school year simultaneously on a

23 statewide basis and through assessments administered

24 periodically over the course of the school year which are

1 designed to provide a more comprehensive and in-depth  
2 measurement of subject areas aligned to the state content  
3 and performance standards. The assessment system may also  
4 measure the other common core of knowledge and skills  
5 established under W.S. 21-9-101(b) which can be  
6 quantified;

7  
8 (C) In addition to subparagraph (a)(v)(B)  
9 of this section, measure student performance in Wyoming on  
10 a comparative basis with student performance nationally;

11  
12 (D) Measure year-to-year changes in student  
13 performance and progress in the subjects specified under  
14 subparagraph (a)(v)(B) of this section and compare and  
15 evaluate 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;

20  
21 (E) Include multiple measures and item  
22 types including grade appropriate multiple choice and open-  
23 ended testing such as constructed-response, extended-

1 response and performance-based tasks, to ensure alignment  
2 to the statewide student content and performance standards;

3  
4 (F) Provide a fair and unbiased assessment  
5 of student performance without regard to race, ethnicity,  
6 limited English proficiency and socioeconomic status;

7  
8 (G) Provide appropriate accommodations or  
9 alternative assessments to enable the assessment of  
10 students with disabilities as specified under W.S.  
11 21-9-101(c) (i) and students with limited English  
12 proficiency;

13  
14 (H) Provide a measure of accountability to  
15 enhance teaching and learning in Wyoming and in combination  
16 with other measures and information, assist school  
17 districts in determining individual student progress. The  
18 assessment results ~~will~~ shall be reported to students,  
19 parents, schools, school districts and the public in an  
20 accurate, complete and timely manner and shall be used in  
21 conjunction with a school district's annual assessment to  
22 design educational strategies for improvement and  
23 enhancement of student performance. This design for  
24 improvement shall be part of each district's school

1 improvement plan. In consultation and coordination with  
2 school districts, and through the superintendent and the  
3 department of education, the board shall review and  
4 evaluate the assessment system regularly and based upon  
5 uniform statewide reports from each district, annually  
6 report to the legislature on student performance at  
7 specified grade levels and on school improvement plans.

8  
9 (vi) Effective school year 2005-2006 and each  
10 school year thereafter, through the state superintendent  
11 and the department of education, and in consultation and  
12 coordination with local school districts, by rule and  
13 regulation establish a statewide accountability system  
14 providing annual accountability determinations for all  
15 schools and school districts imposing a range of  
16 educational consequences resulting from accountability  
17 determinations whereby:

18  
19 (A) The continuous improvement of student  
20 achievement at all schools and appropriate educational  
21 interventions fostering continuous improvement serve as the  
22 basis for statewide accountability system design;

23

1                   (B) Annual accountability determinations  
2 within the system are made for each school based upon  
3 adequate yearly progress measures defined by the federal No  
4 Child Left Behind Act of 2001, as may be subsequently  
5 amended, and the school's progress in improving student  
6 achievement as measured by adequate yearly progress data  
7 and by data from the district's body of evidence assessment  
8 system required under W.S. 21-3-110(a)(xxiv) and from other  
9 related sources which improve the reliability of  
10 accountability determinations as prescribed by rule and  
11 regulation of the board;

12  
13                   (C) To the extent possible, appropriate  
14 consequences resulting from accountability determinations  
15 are made subject to the discretion of school districts.  
16 The system shall establish a range of consequences which  
17 increase in the degree of intensity over time, with  
18 significant interventions imposed only upon repeated  
19 failure to meet school improvement and performance criteria  
20 over a consecutive period of time;

21  
22                   (D) Teacher and administrator quality and  
23 student remediation are the focus of consequences imposed

1 upon schools failing to meet school improvement and  
2 performance criteria and target levels;

3  
4 (E) A range of rewards is provided to  
5 schools meeting school improvement and performance criteria  
6 at levels set by the state board.

7  
8 **21-3-110. Duties of boards of trustees.**

9  
10 (a) The board of trustees in each school district  
11 shall:

12  
13 (xxiv) Establish a student assessment system to  
14 measure student performance relative to the uniform student  
15 content and performance standards in all content areas for  
16 which the state board has promulgated standards pursuant to  
17 W.S. 21-2-304(a)(iii). To the extent required by the state  
18 board under W.S. 21-2-304(a)(v) and (vi), the district  
19 assessment system shall be integrated with the statewide  
20 assessment system and the statewide accountability system.

21 A component of the district assessment system required by  
22 this paragraph shall include a body of evidence assessment  
23 system designed and used to determine the various levels of  
24 student performance as described in the uniform student



1 content and performance standards relative to the common  
2 core of knowledge and skills prescribed under W.S.  
3 21-9-101(b);

4

5 **Section 2.** [STATEWIDE TASK FORCE]

6

7 (a) The statewide task force established by 2003  
8 Session Laws, Chapter 208, Section 201, shall in  
9 consultation with the state board of education, the state  
10 superintendent and the department of education, continue  
11 the development, design and oversight of the implementation  
12 of the statewide assessment system prescribed by W.S.  
13 21-2-304(a)(v), as amended by section 1 of this act, to be  
14 completed in sufficient time for implementation in the  
15 2005-2006 school year. Any vacancy in the membership of  
16 the task force shall be filled by the appointing authority  
17 prescribed under 2003 Session Laws, Chapter 208, Section  
18 201(b). At its first meeting following the effective date  
19 of this act, the task force shall select a chairman from  
20 among its membership to conduct task force meetings.  
21 During periods between task force meetings and on behalf of  
22 the task force, the chairman shall work with designated  
23 staff to the task force, the state board, the state  
24 superintendent and the department of education. For

1 purposes of carrying out the requirements of this section  
2 and to ensure the assessment system adheres to principles  
3 of sound education policy and test measurement, necessary  
4 technical, policy and legal experts and representatives  
5 from the education community and federal and state  
6 governmental agencies shall be assembled on behalf of the  
7 task force through the state superintendent and the  
8 department of education.

9

10 (b) In designing the statewide assessment system and  
11 overseeing the implementation of subsection (a) of this  
12 section, the task force shall ensure the assessment system  
13 contains the following:

14

15 (i) Criteria defining levels of student  
16 performance on statewide assessments, as established by the  
17 state board of education and developed by the department of  
18 education;

19

20 (ii) A sufficient scope and extent of state  
21 education program content and performance standards  
22 necessary to ensure appropriate coverage of the full depth  
23 and breadth of state standards as required by the federal  
24 No Child Left Behind Act of 2001;

1

2 (iii) A framework which clearly specifies the  
3 relationship between assessments periodically administered  
4 over the course of the school year and the assessment  
5 simultaneously administered statewide at the end of the  
6 school year;

7

8 (iv) Statewide guidelines governing the types  
9 and approximate portions of assessment items within  
10 assessments administered periodically throughout the school  
11 year and prescribing a process for establishing the use and  
12 extent of periodic assessments within the statewide  
13 assessment system.

14

15 (c) In addition to subsection (b) of this section,  
16 the task force through the state superintendent and the  
17 department of education, shall in consultation with the  
18 state board of education, investigate the costs associated  
19 with consequences imposed by the statewide accountability  
20 system established under W.S. 21-2-304(a)(vi) as amended  
21 under section 1 of this act, which implicate state, school  
22 district and individual school response and action over and  
23 above existing practices and levels of services provided in

1 accordance with requirements and programs in effect prior  
2 to implementation of this system.

3

4 **Section 3.** [STUDENT ASSESSMENT TRANSITION PROCESS]

5

6 (a) In addition to section 2 of this act and through  
7 the state superintendent and the department of education  
8 and in consultation with the state board of education, the  
9 statewide task force shall establish necessary mechanisms  
10 and processes to support the transition from the statewide  
11 student assessment existing on the effective date of this  
12 act to the student assessment system established in  
13 accordance with W.S. 21-2-304(a)(v) as amended by section 1  
14 of this act. The process shall satisfy legal and technical  
15 requirements pertaining to student assessment and shall  
16 provide for a pilot test of the statewide assessment to  
17 enhance assessment design and development and to provide an  
18 empirical basis upon which to make valid educational  
19 judgments on assessment results. The pilot test of the  
20 assessment shall be administered during the 2004-2005  
21 school year to enable full implementation of the statewide  
22 assessment in school year 2005-2006.

23

1           (b) Based upon specifications and requirements  
2 developed by the task force under subsection (a) of this  
3 section, the state board of education through the state  
4 superintendent and the department of education, shall  
5 develop and issue a request for proposal (RFP) for  
6 statewide student assessment development in sufficient time  
7 for pilot testing during the 2004-2005 school year. The  
8 task force shall assist the state superintendent and the  
9 department in reviewing and evaluating all proposals  
10 submitted in response to the RFP. If a proposal meets the  
11 specifications and requirements developed pursuant to this  
12 section and the proposal is approved by the task force, the  
13 state board and the state superintendent, the state  
14 superintendent through the department shall accept the  
15 proposal and enter into contract to implement the proposal  
16 subject to funds available within the department's budget  
17 for this purpose.

18

19           (c) On or before November 1, 2004, the state board,  
20 the state superintendent and the task force shall report to  
21 the management council and the joint education interim  
22 committee on recommendations developed under this section,  
23 clearly specifying progress on development of the statewide  
24 assessment system, defining the assessment system and

1 reporting on the development and administration of a pilot  
2 test for the assessment.

3

4 **Section 4.** [ACCOUNTABILITY SYSTEM TRANSITION PROCESS]

5

6 (a) For school year 2004-2005 and prior to  
7 implementation of recommendations developed under this  
8 section, the state board of education shall through the  
9 state superintendent and the department of education and in  
10 consultation with the statewide task force, establish a  
11 transitional plan to provide a temporary system of rewards  
12 and sanctions for all schools and school districts. Prior  
13 to implementation, the transitional plan shall be presented  
14 to the joint education interim committee on or before  
15 November 1, 2004. The transitional plan shall terminate  
16 upon completion of the 2004-2005 school year.

17

18 (b) The statewide task force, state superintendent  
19 and the department shall, in consultation with the state  
20 board of education and in addition to section 3 of this act  
21 and based upon the investigation conducted under section  
22 2(c) of this act, report to the management council and the  
23 joint education interim committee on recommendations for  
24 the establishment of a permanent process providing

1 consequences for school accountability as prescribed under  
2 W.S. 21-2-304(a)(vi), as amended by section 1 of this act.

3

4 (c) In addition, the task force in consultation with  
5 the state board and state superintendent, shall develop  
6 recommendations on the range of rewards for schools meeting  
7 adequate yearly progress measures and other criteria under  
8 the statewide accountability system established under W.S.  
9 21-2-304(a)(vi), as amended by section 1 of this act.

10

11 **Section 5.** [APPROPRIATION]

12

13 Up to three hundred thousand dollars (\$300,000.00) is  
14 appropriated from funds made available to the state under  
15 the federal No Child Left Behind Act of 2001 shall fund the  
16 expenses associated with activities assigned to the  
17 statewide task force under section 2 of this act, including  
18 necessary consulting expertise to the task force. The  
19 legislative service office shall provide necessary staff  
20 support for the statewide task force.

21

22 **Section 6.** [EFFECTIVE DATES]

23

1           (a) Except as provided by subsection (b) of this  
2 section, this act is effective July 1, 2004.

3

4           (b) Sections 2 through 5 of this act are effective  
5 immediately upon completion of all acts necessary for a  
6 bill to become law as provided by Article 4, Section 8 of  
7 the Wyoming Constitution.

8

9

(END)