

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

AN ACT relating to public education; specifying requirements for the statewide assessment of student performance; establishing a statewide accountability system for the state, school districts and schools with respect to student performance; imposing duties upon the superintendent of public instruction and a statewide task force for statewide assessment and accountability; specifying assessment timelines and requiring a pilot test for the assessment system; imposing reporting requirements; providing an appropriation; and providing for effective dates.

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

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

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

(a) The state board of education shall:

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system ~~for measuring~~ comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Improvement of teaching and learning in schools and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

(A) Measure individual student performance and progress based upon in a manner substantially aligned with the uniform educational program and student content and performance standards imposed by law and by board rule and regulation;~~. The assessment system shall~~

(B) Be administered at appropriate levels at specified grades and at appropriate intervals aligned to the standards,~~. The assessment system shall be aligned to the statewide educational program standards, shall~~ specifically ~~assess~~ assessing student performance in reading, writing and mathematics at grades four (4), eight (8) and eleven (11), and effective school year 2005-2006, and each school year thereafter, assessing student performance in reading, writing and mathematics at grades three (3) through eight (8) and at grade eleven (11). In addition and commencing school year 2007-2008 and each school year thereafter, the statewide assessment system shall assess student performance in science not less than once within each grade band for grades three (3) through five (5), grades six (6) through eight (8) and grades ten (10) through twelve (12). The structure and design of the assessment system shall allow for the comprehensive measurement of student performance through assessments that are administered each school year simultaneously on a statewide basis and through assessments administered periodically over the course of the school year which are designed to provide a more comprehensive and in-depth measurement of subject areas aligned to the state content and performance standards. The assessment system may also measure the other common core of knowledge and skills established under W.S. 21-9-101(b) which can be quantified;~~.~~

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section and compare and evaluate student achievement during the process of student advancement through grade levels. The assessment system shall ensure the integrity of student performance measurements used at each grade level to enable valid year-to-year comparisons;

(E) Include multiple measures and item types including grade appropriate multiple choice and open-ended testing such as constructed-response, extended-response and performance-based tasks, to ensure alignment to the statewide student content and performance standards;

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

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

(H) Provide a measure of accountability to enhance teaching and learning in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress. The assessment results ~~will~~ shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner and shall be used in

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

conjunction with a school district's annual assessment to design educational strategies for improvement and enhancement of student performance. This design for improvement shall be part of each district's school improvement plan. In consultation and coordination with school districts, the board shall review and evaluate the assessment system regularly and based upon uniform statewide reports from each district, annually report to the legislature on student performance at specified grade levels and on school improvement plans.

(vi) Effective school year 2005-2006 and each school year thereafter, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation establish a statewide accountability system providing annual accountability determinations for all schools and school districts imposing a range of educational consequences resulting from accountability determinations whereby:

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

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

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

(D) Teacher and administrator quality and student remediation are the focus of consequences imposed upon schools failing to meet school improvement and performance criteria and target levels;

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

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

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

(xxiv) Establish a student assessment system to measure student performance relative to the uniform student content and performance standards in all content areas for which the state board has promulgated standards pursuant to W.S. 21-2-304(a)(iii). To the extent required by the state board under W.S. 21-2-304(a)(v) and (vi), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. A component of the district assessment system required by this paragraph shall include a body of evidence assessment system designed and used to determine the various levels of student performance as described in the uniform student

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

Section 2. [STATEWIDE TASK FORCE]

(a) The statewide task force established by 2003 Session Laws, Chapter 208, Section 201, and the state superintendent shall continue the development, design and oversight of the implementation of the statewide assessment system prescribed by W.S. 21-2-304(a)(v), as amended by section 1 of this act, to be completed in sufficient time for implementation in the 2005-2006 school year. Any vacancy in the membership of the task force shall be filled by the appointing authority prescribed under 2003 Session Laws, Chapter 208, Section 201(b). At its first meeting following the effective date of this act, the task force shall select a chairman from among its membership to conduct task force meetings. For purposes of carrying out the requirements of this section and to ensure the assessment system adheres to principles of sound education policy and test measurement, necessary technical, policy and legal experts and representatives from the education community and federal and state governmental agencies shall be assembled on behalf of the task force and the state superintendent.

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

(i) Criteria defining levels of student performance on statewide assessments;

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

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

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

(c) In addition to subsection (b) of this section, the task force and the state superintendent shall investigate the costs associated with consequences imposed by the statewide accountability system established under W.S. 21-2-304(a)(vi) as amended under section 1 of this act, which implicate state, school district and individual school response and action over and above existing practices and levels of services provided in accordance with requirements and programs in effect prior to implementation of this system.

Section 3. [STUDENT ASSESSMENT TRANSITION PROCESS]

(a) In addition to section 2 of this act, the statewide task force and the state superintendent shall establish necessary mechanisms and processes to support the transition from the statewide student assessment existing

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

on the effective date of this act to the student assessment system established in accordance with W.S. 21-2-304(a)(v) as amended by section 1 of this act. The process shall satisfy legal and technical requirements pertaining to student assessment and shall provide for a pilot test of the statewide assessment to enhance assessment design and development and to provide an empirical basis upon which to make valid educational judgments on assessment results. The pilot test of the assessment shall be administered during the 2004-2005 school year to enable full implementation of the statewide assessment in school year 2005-2006.

(b) Based upon specifications and requirements developed by the task force under subsection (a) of this section, the state superintendent shall develop and following review by the task force, issue a request for proposal (RFP) for statewide student assessment development in sufficient time for pilot testing during the 2004-2005 school year. The task force shall assist the state superintendent in reviewing and evaluating all proposals submitted in response to the RFP. If a proposal meets the specifications and requirements developed pursuant to this section and the proposal is approved by the task force, the state superintendent shall accept the proposal and enter into contract to implement the proposal subject to funds available within the state superintendent's budget to implement its provision. Prior to entering into contract, the state superintendent shall submit the proposal to the state board for review.

(c) On or before November 1, 2004, the state superintendent and the task force shall report to the state board of education, the management council and the joint education interim committee on recommendations developed under this section, clearly specifying progress on

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

development of the statewide assessment system, defining the assessment system and reporting on the development and administration of a pilot test for the assessment.

Section 4. [ACCOUNTABILITY SYSTEM TRANSITION PROCESS]

(a) For school year 2004-2005 and prior to implementation of recommendations developed under this section, the state superintendent and the statewide task force shall establish a transitional plan to provide a temporary system of rewards and sanctions for all schools and school districts. Prior to implementation, the transitional plan shall be presented to the state board of education and the joint education interim committee on or before November 1, 2004. The transitional plan shall terminate upon completion of the 2004-2005 school year.

(b) The statewide task force and the state superintendent shall in addition to section 3 of this act and based upon the investigation conducted under section 2(c) of this act, report to the state board of education, the management council and the joint education interim committee on recommendations for the establishment of a permanent process providing consequences for school accountability as prescribed under W.S. 21-2-304(a)(vi), as amended by section 1 of this act.

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

Section 5. [APPROPRIATION]

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

Section 6. [EFFECTIVE DATES]

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

ORIGINAL HOUSE
BILL NO. 0126

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

(b) Sections 2 through 5 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.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk