

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 and a statewide task  
7 force for statewide assessment and accountability;  
8 specifying assessment timelines and requiring a pilot test  
9 for the assessment system; imposing reporting requirements;  
10 providing an appropriation; and providing for effective  
11 dates.

12

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

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

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

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(a) The state board of education shall:

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(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:

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(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~~

1                    (B) Be administered at appropriate levels  
2 at specified grades and at appropriate intervals aligned to  
3 the standards, ~~the assessment system shall be aligned to~~  
4 ~~the statewide educational program standards, shall~~  
5 specifically ~~assess~~ assessing student performance in  
6 reading, writing and mathematics at grades four (4), eight  
7 (8) and eleven (11), and effective school year 2005-2006,  
8 and each school year thereafter, assessing student  
9 performance in reading, writing and mathematics at grades  
10 three (3) through eight (8) and at grade eleven (11). In  
11 addition and commencing school year 2007-2008 and each  
12 school year thereafter, the statewide assessment system  
13 shall assess student performance in science not less than  
14 once within each grade band for grades three (3) through  
15 five (5), grades six (6) through eight (8) and grades ten  
16 (10) through twelve (12). The structure and design of the  
17 assessment system shall allow for the comprehensive  
18 measurement of student performance through assessments that  
19 are administered each school year simultaneously on a  
20 statewide basis and through assessments administered  
21 periodically over the course of the school year which are  
22 designed to provide a more comprehensive and in-depth  
23 measurement of subject areas aligned to the state content  
24 and performance standards. The assessment system may also

1 measure the other common core of knowledge and skills  
2 established under W.S. 21-9-101(b) which can be  
3 quantified; ~~;~~

4

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

8

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

17

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

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

4  
5                   (G) Provide appropriate accommodations or  
6 alternative assessments to enable the assessment of  
7 students with disabilities as specified under W.S.  
8 21-9-101(c) (i) and students with limited English  
9 proficiency;

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

1 statewide reports from each district, annually report to  
2 the legislature on student performance at specified grade  
3 levels and on school improvement plans.

4  
5 (vi) Effective school year 2005-2006 and each  
6 school year thereafter, through the state superintendent  
7 and in consultation and coordination with local school  
8 districts, by rule and regulation establish a statewide  
9 accountability system providing annual accountability  
10 determinations for all schools and school districts  
11 imposing a range of educational consequences resulting from  
12 accountability determinations whereby:

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

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19 (B) Annual accountability determinations  
20 within the system are made for each school based upon  
21 adequate yearly progress measures defined by the federal No  
22 Child Left Behind Act of 2001, as may be subsequently  
23 amended, and the school's progress in improving student  
24 achievement as measured by adequate yearly progress data

1 and by data from the district's body of evidence assessment  
2 system required under W.S. 21-3-110(a) (xxiv) and from other  
3 related sources which improve the reliability of  
4 accountability determinations as prescribed by rule and  
5 regulation of the board;

6  
7 (C) To the extent possible, appropriate  
8 consequences resulting from accountability determinations  
9 are made subject to the discretion of school districts.  
10 The system shall establish a range of consequences which  
11 increase in the degree of intensity over time, with  
12 significant interventions imposed only upon repeated  
13 failure to meet school improvement and performance criteria  
14 over a consecutive period of time;

15  
16 (D) Teacher and administrator quality and  
17 student remediation are the focus of consequences imposed  
18 upon schools failing to meet school improvement and  
19 performance criteria and target levels;

20  
21 (E) A range of rewards is provided to  
22 schools meeting school improvement and performance criteria  
23 at levels set by the state board.

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1           **21-3-110. Duties of boards of trustees.**

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

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

14 A component of the district assessment system required by  
15 this paragraph shall include a body of evidence assessment  
16 system designed and used to determine the various levels of  
17 student performance as described in the uniform student  
18 content and performance standards relative to the common  
19 core of knowledge and skills prescribed under W.S.  
20 21-9-101(b);

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

23



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

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22           (b) In designing the statewide assessment system and  
23 overseeing the implementation of subsection (a) of this

1 section, the task force shall ensure the assessment system  
2 contains the following:

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

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

12

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

18

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

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

12

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

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15 (a) In addition to section 2 of this act, the  
16 statewide task force and the state superintendent shall  
17 establish necessary mechanisms and processes to support the  
18 transition from the statewide student assessment existing  
19 on the effective date of this act to the student assessment  
20 system established in accordance with W.S. 21-2-304(a)(v)  
21 as amended by section 1 of this act. The process shall  
22 satisfy legal and technical requirements pertaining to  
23 student assessment and shall provide for a pilot test of  
24 the statewide assessment to enhance assessment design and

1 development and to provide an empirical basis upon which to  
2 make valid educational judgments on assessment results.  
3 The pilot test of the assessment shall be administered  
4 during the 2004-2005 school year to enable full  
5 implementation of the statewide assessment in school year  
6 2005-2006.

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

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2 (c) On or before November 1, 2004, the state  
3 superintendent and the task force shall report to the state  
4 board of education, the management council and the joint  
5 education interim committee on recommendations developed  
6 under this section, clearly specifying progress on  
7 development of the statewide assessment system, defining  
8 the assessment system and reporting on the development and  
9 administration of a pilot test for the assessment.

10

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

12

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

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1           (b) The statewide task force and the state  
2 superintendent shall in addition to section 3 of this act  
3 and based upon the investigation conducted under section  
4 2(c) of this act, report to the state board of education,  
5 the management council and the joint education interim  
6 committee on recommendations for the establishment of a  
7 permanent process providing consequences for school  
8 accountability as prescribed under W.S. 21-2-304(a)(vi), as  
9 amended by section 1 of this act.

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11           (c) In addition, the task force and the state  
12 superintendent shall develop recommendations on the range  
13 of rewards for schools meeting adequate yearly progress  
14 measures and other criteria under the statewide  
15 accountability system established under W.S.  
16 21-2-304(a)(vi), as amended by section 1 of this act.

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18           **Section 5.** [APPROPRIATION]

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20 Up to three hundred thousand dollars (\$300,000.00) is  
21 appropriated from funds made available to the state under  
22 the federal No Child Left Behind Act of 2001 to fund the  
23 expenses associated with activities assigned to the  
24 statewide task force under section 2 of this act, including

1 necessary consulting expertise to the task force. The  
2 department of education, with the assistance of the  
3 legislative service office, shall provide necessary staff  
4 support for the statewide task force.

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

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

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

15

16 (END)