

HOUSE BILL NO. HB0097

Education-state administration.

Sponsored by: Representative(s) Reeder, Hutchings and  
Miller and Senator(s) Dockstader and Hicks

A BILL

for

1 AN ACT relating to education; modifying the process for  
2 adoption of content and performance standards by the state  
3 board; establishing an advisory council to the state board  
4 for adoption of the content and performance standards;  
5 prohibiting participation in the Smarter Balanced  
6 Assessment Consortium; prohibiting expenditure of federal  
7 American Recovery and Reinvestment Act funds; establishing  
8 state education data security policies and protocols;  
9 imposing penalty; and providing for effective dates.

10

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

12

13 **Section 1.** W.S. 21-9-104 is created to read:

14

15 **21-9-104. Establishment of content and performance**  
16 **standards by the state board.**

1

2 (a) The state of Wyoming shall retain sole control  
3 over the development, establishment and revision of the  
4 content and performance standards established pursuant to  
5 this section and W.S. 21-2-304(a)(iii). Neither the state  
6 board, nor any other state education entity, nor any state  
7 official, may join any consortium or any other organization  
8 when participation in that consortium or organization would  
9 cede any measure of control over any aspect of Wyoming  
10 public education to entities outside the state, nor may any  
11 such person or entity condition or delay a decision on  
12 content and performance standards on the decision of any  
13 consortium, organization or other state government, or the  
14 federal government.

15

16 (b) Effective April 15, 2014, and each year  
17 thereafter, the state board shall establish the content and  
18 performance standards advisory council to advise the state  
19 board in creating and adopting world class content and  
20 performance standards that will lead to a broad liberal  
21 arts education, resulting in college and career readiness  
22 for all students. Unless specifically provided otherwise by  
23 this subsection, members of the advisory council shall be

1 appointed by the state board. The advisory council shall  
2 consist of the following members:

3

4 (i) One (1) curriculum director from a Wyoming  
5 school district with expertise in curriculum and standards  
6 in kindergarten through grade twelve (12);

7

8 (ii) Three (3) parents of students. Teachers,  
9 curriculum directors, professors or other individuals  
10 eligible for appointment under an alternative paragraph in  
11 this subsection shall not be appointed as a parent  
12 representative under this paragraph;

13

14 (iii) Three (3) certified teachers, each with at  
15 least ten (10) years of experience in teaching core  
16 curriculum in a Wyoming school district. A teacher from an  
17 elementary school, a middle school and a high school shall  
18 be appointed under this paragraph. Retired teachers may be  
19 appointed under this paragraph;

20

21 (iv) Three (3) professors from the University of  
22 Wyoming or from any Wyoming community college to include  
23 one (1) from a mathematics department, one (1) from an

1 English literature department and one (1) professor from  
2 the vocational technical area of study;

3

4 (v) One (1) representative from the business  
5 community;

6

7 (vi) Four (4) trustees of any Wyoming school  
8 district board of trustees appointed by the chairs of the  
9 joint education interim committee, with each chair  
10 appointing two (2) members under this paragraph.

11

12 (c) Effective April 15, 2014, and each year  
13 thereafter, the advisory council shall establish a  
14 subcommittee for each subject area defined in W.S.  
15 21-9-101(b). Subcommittee members need not be members of  
16 the advisory council. At a minimum, each subcommittee  
17 shall consist of the following members:

18

19 (i) Three (3) certified teachers employed by  
20 Wyoming school districts or retired from teaching in public  
21 or private schools, each having at least ten (10) years of  
22 teaching experience with at least five (5) years in the  
23 academic content area of the subcommittee;

24

1           (ii) Three (3) parents of students. Teachers,  
2 curriculum directors, professors or other individuals  
3 eligible for appointment under an alternative paragraph in  
4 this subsection shall not be appointed as a parent  
5 representative under this paragraph;

6

7           (iii) Three (3) professors, each holding a  
8 doctoral degree in the specific academic content area of  
9 the subcommittee, employed by or retired from an accredited  
10 four (4) year higher education institution;

11

12           (iv) Two (2) members appointed by the chairs of  
13 the joint education interim committee, with each chair  
14 appointing one (1) member under this paragraph;

15

16           (v) For those subcommittees addressing content  
17 and performance standards to be taught in high school, an  
18 additional two (2) members to include one (1)  
19 representative from a technical postsecondary institution  
20 and one (1) representative from the business community.

21

22           (d) Effective April 15, 2014, and each year  
23 thereafter, and at the direction of the advisory council  
24 established by subsection (b) of this section, all content

1 and performance standards required by W.S. 21-9-101(b)  
2 shall be reviewed by the appropriate subcommittee  
3 established under subsection (c) of this section to ensure  
4 that the standards contain clarity, rigor, content, depth  
5 and coherence. The review by the subcommittee shall  
6 include the following:

7

8 (i) Examination of content and performance  
9 standards reform efforts over the past twenty (20) years to  
10 ensure that current efforts do not take place without  
11 historical context;

12

13 (ii) Consideration of research relevant to each  
14 subject area;

15

16 (iii) Examination of the content and performance  
17 standards or similar requirements for the subject area that  
18 have been adopted by other states;

19

20 (iv) Collect feedback on the proposed standards  
21 solicited from teachers, parents and other citizens and  
22 make that feedback available to the general public through  
23 existing communication resources utilized by school  
24 districts;

1

2 (v) Solicit feedback from appropriate content  
3 related organizations, associations and societies.

4

5 (e) Each subcommittee shall prepare proposed content  
6 and performance standards based on the review conducted  
7 under subsection (d) of this section, including any  
8 revisions deemed necessary by the subcommittee. Each  
9 subcommittee, through the department of education, shall  
10 provide an electronic copy of the proposed standards to  
11 every Wyoming school district board of trustees and to the  
12 relevant department heads of each Wyoming institution of  
13 higher education including at minimum, department heads of  
14 the content areas addressed by those standards. The  
15 proposed standards shall be available to the public by  
16 means of existing communication resources utilized by  
17 school districts. Each subcommittee shall provide a public  
18 comment period on the proposed standards of not less than  
19 sixty (60) days and shall hold at least five (5) public  
20 hearings at various locations across the state to receive  
21 comment on the rigor, clarity and reasonableness of the  
22 standards developed by the subcommittee. Each subcommittee  
23 shall revise the standards as appropriate based upon public  
24 participation and comment. Each subcommittee shall prepare

1 a report to the advisory council on the proposed standards  
2 for its review and approval.

3

4 (f) Upon receipt of a report on proposed content and  
5 performance standards from a subcommittee, the advisory  
6 council shall review and finalize the standards before  
7 forwarding to the state board for promulgation of rules and  
8 regulations required under W.S. 21-2-304(a)(iii).

9

10 (g) Prior to promulgation of rules and regulations  
11 under W.S. 21-2-304(a)(iii), the state board shall conduct  
12 at least one (1) public hearing in every legislative  
13 district and present the proposed standards to the joint  
14 education interim committee and to the Wyoming legislature.  
15 The state board shall report any proposed changes to all  
16 Wyoming school district boards of trustees.

17

18 (h) Members of the content and performance standards  
19 advisory council or of any subcommittee shall be reimbursed  
20 for necessary expenses incurred in the performance of their  
21 duties as members.

22

23 (j) In addition to other requirements specified under  
24 this section, each member of the content and performance



1 standards advisory council or of any subcommittee  
2 established under this section shall be a resident of  
3 Wyoming for at least eight (8) months and at minimum, hold  
4 a bachelor's degree or equivalent four (4) year degree from  
5 an accredited higher education institution. The members of  
6 the advisory council and of any subcommittee shall be as  
7 fairly balanced in geographic representation as reasonably  
8 possible, with members from each of the legislative  
9 districts representing urban and rural areas. Members shall  
10 serve for no longer than four (4) years. Each member  
11 rotating off of the advisory council or of any subcommittee  
12 shall be replaced within thirty (30) days.

13

14 (k) Each subject area of the content and performance  
15 standards shall be reviewed pursuant to this section once  
16 every eight (8) years. Reviews shall be staggered, with  
17 only one (1) subject area review being initiated in any  
18 given year. Notwithstanding this subsection, the content  
19 and performance standards for English language arts shall  
20 be reviewed not later than December 31, 2014 and then again  
21 not more than eight (8) years thereafter, and the content  
22 and performance standards for math shall be reviewed not  
23 later than December 31, 2014, and then again not more than  
24 six (6) years thereafter.

1

2 (m) In addition to the requirements contained in this  
3 section, content and performance standards that are not  
4 developed under the sole authority of the state of Wyoming  
5 or standards that use the same model framework developed  
6 primarily by entities other than the state of Wyoming shall  
7 not be adopted or implemented by the state board until  
8 expiration of a public comment period of at least one (1)  
9 year.

10

11 **Section 2.** W.S. 21-2-204(h)(iii),  
12 21-2-304(a)(iii)(intro) and (c), 21-3-110(a)(xv) and  
13 (xxiv), 21-9-101(a) and 21-16-1308(c)(intro) are amended to  
14 read:

15

16 **21-2-204. Wyoming Accountability in Education Act;**  
17 **statewide education accountability system created.**

18

19 (h) Measured performance results obtained and  
20 collected pursuant to this section, together with  
21 subsequent actions responding to results, shall be combined  
22 with other information and measures maintained and acquired  
23 under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H),  
24 21-3-110(a)(xxiv) and otherwise by law, to be used as the

1 basis of a statewide system for providing periodic and  
2 uniform reporting on the progress of state public education  
3 achievement compared to established targets. The statewide  
4 accountability system shall include a process for  
5 consolidating, coordinating and analyzing existing  
6 performance data and reports for purposes of aligning with  
7 the requirements of this section and for determinations of  
8 student achievement incorporated into the statewide system.  
9 In establishing a reporting system under this subsection,  
10 the department shall describe the performance of each  
11 public school in Wyoming. The performance report shall:

12

13 (iii) Subject to W.S. 21-2-202(h), provide  
14 longitudinal information to track student performance on a  
15 school, district and statewide basis;

16

17 **21-2-304. Duties of the state board of education.**

18

19 (a) The state board of education shall:

20

21 (iii) By rule and regulation as required by W.S.  
22 21-9-104 and in consultation and coordination with local  
23 school districts, prescribe uniform student content and  
24 performance standards for the common core of knowledge and

1 the common core of skills specified under W.S. 21-9-101(b),  
2 and promulgate uniform standards for programs addressing  
3 the special needs of student populations specified under  
4 W.S. 21-9-101(c) that ensure these student populations are  
5 provided the opportunity to learn the common core knowledge  
6 and skills as prescribed by the uniform student content and  
7 performance standards pursuant to this paragraph. Student  
8 content and performance standards prescribed under this  
9 paragraph shall include standards for graduation from any  
10 high school within any school district of this state and  
11 shall describe required performance levels in order to  
12 achieve proficiency of the common core of knowledge and  
13 common core of skills prescribed under W.S. 21-9-101(b).  
14 The ability to prescribe content and performance standards  
15 shall not be construed to give the state board of education  
16 the authority to prescribe textbooks or curriculum which  
17 the state board is hereby forbidden to do. Graduation  
18 standards imposed under this paragraph shall require the  
19 successful completion of the following components, as  
20 evidenced by passing grades or by the successful  
21 performance on competency-based equivalency examinations:

22

23 (c) The state board shall perform an ongoing review  
24 of state board duties prescribed by law and may make

1 recommendations to the legislature on board duties. ~~In~~  
2 ~~addition and not less than once every five (5) years, the~~  
3 ~~board shall evaluate and review the uniformity and quality~~  
4 ~~of the educational program standards imposed under W.S. 21-~~  
5 ~~9-101 and 21-9-102 and the student content and performance~~  
6 ~~standards promulgated under paragraph (a)(iii) of this~~  
7 ~~section, and shall report findings and recommendations to~~  
8 ~~the joint education interim committee of the legislature~~ on  
9 or before December 1 of the year in which the review ~~and~~  
10 ~~evaluation~~ was undertaken. The joint education interim  
11 committee shall report its recommendations, based upon  
12 findings and recommendations of the state board, to the  
13 legislature during the immediately following legislative  
14 session.

15

16 **21-3-110. Duties of boards of trustees.**

17

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

20

21 (xv) Provide an educational program within the  
22 schools under its jurisdiction in compliance with uniform  
23 state standards prescribed under W.S. 21-9-101 and 21-9-102

1 and by rule and regulation of the state board pursuant to  
2 W.S. 21-9-104;

3

4 (xxiv) Establish a student assessment system to  
5 measure student performance relative to the uniform student  
6 content and performance standards in all content areas for  
7 which the state board has promulgated standards pursuant to  
8 W.S. 21-2-304(a)(iii). To the extent required by W.S.  
9 21-2-204 and 21-2-304(a)(vii), the district assessment  
10 system shall be integrated with the statewide assessment  
11 system and the statewide accountability system. Components  
12 of the district assessment system required by this  
13 paragraph shall be designed and used to determine the  
14 various levels of student performance and attainment of  
15 high school graduation as described in the uniform student  
16 content and performance standards relative to the common  
17 core of knowledge and skills prescribed under W.S.  
18 21-9-101(b). No district student assessment system shall  
19 be adopted or administered under this paragraph that  
20 collects any type of psychological data, including  
21 assessment of noncognitive skills or attributes,  
22 psychological resources, mindsets, learning strategies,  
23 effortful control, attitudes, dispositions, social skills  
24 or other interpersonal or intrapersonal resources.

1 Beginning school year 2014-2015 and each school year  
2 thereafter, a component of the district assessment system  
3 shall include a measure or multiple measures used to  
4 determine satisfactory completion of high school graduation  
5 requirements and developed in accordance with guidelines  
6 established by the state board. The district shall on or  
7 before August 1, 2015, and each August 1 thereafter, report  
8 to the state board in accordance with W.S. 21-2-304(a)(iv)  
9 on its assessment system established under this paragraph.

10 Beginning school year 2013-2014 and each school year  
11 thereafter, a component of the district assessment system  
12 shall include common benchmark adaptive assessments for  
13 reading and mathematics in grades two (2) through eight  
14 (8), common to all districts statewide, administered at  
15 least two (2) times during any one (1) school year and  
16 administered once in grade one (1). An additional  
17 component of the district assessment system shall continue  
18 the longitudinal study of summer school program  
19 effectiveness which uses a single common benchmark adaptive  
20 assessment in reading and mathematics administered for  
21 summer school and extended day intervention and remediation  
22 programs in accordance with W.S. 21-13-334(h)(iv);  
23

1           **21-9-101. Educational programs for schools;**  
2 **standards; core of knowledge and skills; special needs**  
3 **programs; class size requirements; cocurricular activities.**

4  
5           (a) The board of trustees of each school district  
6 within the state shall cause the schools under its  
7 jurisdiction to provide an educational program in  
8 accordance with uniform standards defined under this  
9 section and rules and regulations promulgated by the state  
10 board of education pursuant to W.S. 21-2-304(a) (iii) and  
11 21-9-104.

12  
13           **21-16-1308. Administration; rules and regulations.**

14  
15           (c) Subject to limits prescribed under W.S.  
16 21-2-202(h), the department shall establish annual  
17 reporting procedures for purposes of policy analysis and  
18 program evaluation and providing accurate data to the  
19 legislature and governor relative to the program's impact  
20 on the state and on students. In developing the annual  
21 reporting procedure the department shall consult with the  
22 University of Wyoming and community college financial aid  
23 officers and registrars or their designees. It is the  
24 intention of the legislature that the reporting system and



1 the requirements thereof shall be applicable to all  
2 recipients of scholarships under this article. Compliance  
3 with this section shall be made a condition of receiving a  
4 scholarship under this article. For any student attending  
5 more than one (1) eligible institution, the home  
6 institution shall be responsible for data reporting for  
7 that student, and any other eligible institution shall  
8 cooperate as necessary with the home institution to fulfill  
9 that duty. The reporting system shall include the following  
10 information:

11

12 **Section 3.** W.S. 21-2-202(a)(xiv), (xxxiv) and by  
13 creating new subsections (f) through (j) and  
14 21-2-304(a)(v)(intro), as amended by 2013 Wyoming Session  
15 Laws, Chapter 1, are amended to read:

16

17 **21-2-202. Duties of the director; penalty for**  
18 **unlawful sharing of student data.**

19

20 (a) In addition to any other duties assigned by law,  
21 the director shall:

22

23 (xiv) For purposes of the statewide assessment  
24 of students and reporting student performance under W.S.

1 21-2-304(a)(v), have authority to assess and collect  
2 student educational assessment data from school districts.7  
3 ~~community colleges and the University of Wyoming.~~ All data  
4 shall be consolidated, combined and analyzed in accordance  
5 with W.S. 21-2-204(h) and shall be provided within a  
6 reasonable time in accordance with rules and regulations of  
7 the state board;

8  
9 (xxxiv) With the department of enterprise  
10 technology services and subject to subsection (f) of this  
11 section, establish criteria for the collection, storage,  
12 management and reporting of department of education data  
13 related to teacher certification and the administration of  
14 the school finance system.

15  
16 (f) Effective April 15, 2014, and each year  
17 thereafter, neither the director nor the state department  
18 of education shall:

19  
20 (i) Share any personally identifiable  
21 information compiled on students or teachers with any entity  
22 outside the state of Wyoming, except for hard data storage  
23 located in safe locations outside the state, or cloud data  
24 storage as long as the cloud computing provider agrees in

1 writing that it will not redisclose such information or use  
2 the information for any secondary purposes that benefit the  
3 provider or any third party, including but not limited to  
4 online behavioral advertising, creating or correcting an  
5 individual or household profile primarily for the provider's  
6 benefit, the sale of data for any commercial purpose or for  
7 any other commercial for-profit activity;

8  
9 (ii) Share any personally identifiable  
10 information about any student or teacher with any entity  
11 that intends to use that information for development of  
12 commercial products or services or that intends to transfer  
13 that data to any other entity for use in development of  
14 commercial products or services;

15  
16 (iii) Share any personally identifiable  
17 information about any student or teacher with any entity  
18 inside the state of Wyoming unless that entity is an  
19 education agency or institution that does not intend to:

20  
21 (A) Use the data to develop commercial  
22 products or services;

23

1                   (B) Transfer the data to any other entity  
2 to use in development of commercial products or services;  
3 or

4  
5                   (C) Use the data or transfer the data for  
6 economic or workforce development planning.

7  
8                   (v) Share any personally identifiable  
9 information on students and teachers with the United States  
10 department of education unless:

11  
12                   (A) Such sharing is required by the United  
13 States department of education as a condition of receiving  
14 a federal education grant;

15  
16                   (B) The United States department of  
17 education agrees in writing to use the data only to  
18 evaluate the program funded by the grant;

19  
20                   (C) The United States department of  
21 education agrees in writing that the data will not be used  
22 for any research beyond that related to the evaluation of  
23 the program funded by the grant, unless the parent or  
24 guardian of any student, and any teacher, whose data will

1 be used for such research affirmatively consents in writing  
2 to that use;

3

4 (D) The United States department of  
5 education agrees in writing to destroy the data upon  
6 completion of the evaluation of the program for which the  
7 data were compiled; and

8

9 (E) The grant or program for which the data  
10 is required is authorized by federal statute or by federal  
11 rule properly promulgated under the federal Administrative  
12 Procedure Act, 5 U.S.C. Section 500, et seq.

13

14 (g) If the United States department of education  
15 requires as a condition of making a federal education  
16 grant, that the grant recipient share student or teacher  
17 data under circumstances that do not comply with  
18 subparagraph (f)(v)(E) of this section, the grant recipient  
19 shall provide written notification to the parents or  
20 guardians of every student whose data will be shared or  
21 every teacher whose data will be shared of the following:

22

1           (i) That the grant recipient has been required  
2 to turn over the student's or teacher's data to the United  
3 States department of education;

4  
5           (ii) That neither the grant recipient nor any  
6 other entity within the state of Wyoming will have control  
7 over the use or further sharing of that data; and

8  
9           (iii) The contact information including the  
10 telephone number and e-mail address, of the United States  
11 department of education official who demands the data.

12  
13           (h) Neither the director, nor the department of  
14 education, nor any other education entity, shall expend any  
15 funds on the construction, enhancement or expansion of any  
16 statewide longitudinal data system designed to track  
17 students beyond kindergarten through grade twelve (12) or  
18 to compile personal, nonacademic information beyond what is  
19 necessary either for administrative functions directly  
20 related to the student's education, for evaluation of  
21 academic programs and student progress, or for compliance  
22 with the requirements of the United States department of  
23 education as provided by paragraph (f) (v) of this section.

24

1       (j) A person commits a felony punishable by  
2 imprisonment for not more than five (5) years, a fine of  
3 not more than five thousand dollars (\$5,000.00), or both,  
4 if he knowingly shares personally identifiable student  
5 information in any manner not prescribed by subsections  
6 (f), (g) and (h) of this section or as otherwise prescribed  
7 by law.

8  
9       **21-2-304. Duties of the state board of education.**

10  
11       (a) The state board of education shall:

12  
13               (v) Through the director and in consultation and  
14 coordination with local school districts, implement a  
15 statewide assessment system comprised of a coherent system  
16 of measures that when combined, provide a reliable and  
17 valid measure of individual student achievement for each  
18 public school and school district within the state, and the  
19 performance of the state as a whole. Statewide assessment  
20 system components shall be in accordance with requirements  
21 of the statewide education accountability system pursuant  
22 to W.S. 21-2-204. Improvement of teaching and learning in  
23 schools, attaining student achievement targets for  
24 performance indicators established under W.S. 21-2-204 and

1 fostering school program improvement shall be the primary  
2 purposes of statewide assessment of student performance in  
3 Wyoming. No statewide student assessment system shall be  
4 adopted or administered under this paragraph that collects  
5 any type of psychological data, including assessment of  
6 noncognitive skills or attributes, psychological resources,  
7 mindsets, learning strategies, effortful control,  
8 attitudes, dispositions, social skills or other  
9 interpersonal or intrapersonal resources. The statewide  
10 assessment system shall:

11

12 **Section 4.** W.S. 21-2-202(a)(xiv), (xxxiv) and by  
13 creating new subsections (f) through (j) and  
14 21-2-304(a)(v)(intro), as in effect prior to enactment of  
15 2013 Wyoming Session Laws, Chapter 1, are amended to read:

16

17 **21-2-202. Duties of the state superintendent.**

18

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

21

22 (xiv) For purposes of the statewide assessment  
23 of students and reporting student performance under W.S.  
24 21-2-304(a)(v), have authority to assess and collect



1 student educational assessment data from school districts, ~~7~~  
2 ~~community colleges and the University of Wyoming.~~ All data  
3 shall be consolidated, combined and analyzed in accordance  
4 with W.S. 21-2-204(h) and shall be provided within a  
5 reasonable time in accordance with rules and regulations of  
6 the state board;

7

8 (xxxiv) With the department of enterprise  
9 technology services and subject to subsection (f) of this  
10 section, establish criteria for the collection, storage,  
11 management and reporting of department of education data  
12 related to teacher certification and the administration of  
13 the school finance system.

14

15 (f) Effective April 15, 2014, and each year  
16 thereafter, neither the state superintendent nor the state  
17 department of education shall:

18

19 (i) Share any personally identifiable  
20 information compiled on students or teachers with any entity  
21 outside the state of Wyoming, except for hard data storage  
22 located in safe locations outside the state, or cloud data  
23 storage as long as the cloud computing provider agrees in  
24 writing that it will not redisclose such information or use

1 the information for any secondary purposes that benefit the  
2 provider or any third party, including but not limited to  
3 online behavioral advertising, creating or correcting an  
4 individual or household profile primarily for the provider's  
5 benefit, the sale of data for any commercial purpose or for  
6 any other commercial for-profit activity;

7  
8 (ii) Share any personally identifiable  
9 information about any student or teacher with any entity  
10 that intends to use that information for development of  
11 commercial products or services or that intends to transfer  
12 that data to any other entity for use in development of  
13 commercial products or services;

14  
15 (iii) Share any personally identifiable  
16 information about any student or teacher with any entity  
17 inside the state of Wyoming unless that entity is an  
18 education agency or institution that does not intend to:

19  
20 (A) Use the data to develop commercial  
21 products or services;

22

1                   (B) Transfer the data to any other entity  
2 to use in development of commercial products or services;  
3 or

4  
5                   (C) Use the data or transfer the data for  
6 economic or workforce development planning.

7  
8                   (v) Share any personally identifiable  
9 information on students and teachers with the United States  
10 department of education unless:

11  
12                   (A) Such sharing is required by the United  
13 States department of education as a condition of receiving  
14 a federal education grant;

15  
16                   (B) The United States department of  
17 education agrees in writing to use the data only to  
18 evaluate the program funded by the grant;

19  
20                   (C) The United States department of  
21 education agrees in writing that the data will not be used  
22 for any research beyond that related to the evaluation of  
23 the program funded by the grant, unless the parent or  
24 guardian of any student, and any teacher, whose data will

1 be used for such research affirmatively consents in writing  
2 to that use;

3

4 (D) The United States department of  
5 education agrees in writing to destroy the data upon  
6 completion of the evaluation of the program for which the  
7 data were compiled; and

8

9 (E) The grant or program for which the data  
10 is required is authorized by federal statute or by federal  
11 rule properly promulgated under the federal Administrative  
12 Procedure Act, 5 U.S.C. Section 500, et seq.

13

14 (g) If the United States department of education  
15 requires as a condition of making a federal education  
16 grant, that the grant recipient share student or teacher  
17 data under circumstances that do not comply with  
18 subparagraph (f)(v)(E) of this section, the grant recipient  
19 shall provide written notification to the parents or  
20 guardians of every student whose data will be shared or  
21 every teacher whose data will be shared of the following:

22

1           (i) That the grant recipient has been required  
2 to turn over the student's or teacher's data to the United  
3 States department of education;

4  
5           (ii) That neither the grant recipient nor any  
6 other entity within the state of Wyoming will have control  
7 over the use or further sharing of that data; and

8  
9           (iii) The contact information including the  
10 telephone number and e-mail address, of the United States  
11 department of education official who demands the data.

12  
13           (h) Neither the state superintendent, nor the  
14 department of education, nor any other education entity,  
15 shall expend any funds on the construction, enhancement or  
16 expansion of any statewide longitudinal data system  
17 designed to track students beyond kindergarten through  
18 grade twelve (12) or to compile personal, nonacademic  
19 information beyond what is necessary either for  
20 administrative functions directly related to the student's  
21 education, for evaluation of academic programs and student  
22 progress, or for compliance with the requirements of the  
23 United States department of education as provided by  
24 paragraph (f) (v) of this section.

1

2       (j) A person commits a felony punishable by  
3 imprisonment for not more than five (5) years, a fine of  
4 not more than five thousand dollars (\$5,000.00), or both,  
5 if he knowingly shares personally identifiable student  
6 information in any manner not prescribed by subsections  
7 (f), (g) and (h) of this section or as otherwise prescribed  
8 by law.

9

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

11

12       (a) The state board of education shall:

13

14               (v) Through the state superintendent and in  
15 consultation and coordination with local school districts,  
16 implement a statewide assessment system comprised of a  
17 coherent system of measures that when combined, provide a  
18 reliable and valid measure of individual student  
19 achievement for each public school and school district  
20 within the state, and the performance of the state as a  
21 whole. Statewide assessment system components shall be in  
22 accordance with requirements of the statewide education  
23 accountability system pursuant to W.S. 21-2-204.  
24 Improvement of teaching and learning in schools, attaining

1 student achievement targets for performance indicators  
2 established under W.S. 21-2-204 and fostering school  
3 program improvement shall be the primary purposes of  
4 statewide assessment of student performance in Wyoming. No  
5 statewide student assessment system shall be adopted or  
6 administered under this paragraph that collects any type of  
7 psychological data, including assessment of noncognitive  
8 skills or attributes, psychological resources, mindsets,  
9 learning strategies, effortful control, attitudes,  
10 dispositions, social skills or other interpersonal or  
11 intrapersonal resources. The statewide assessment system  
12 shall:

13

14 **Section 5.**

15

16 (a) Notwithstanding any other provision of law, the  
17 state of Wyoming shall immediately initiate the procedure,  
18 as outlined in the Smarter Balanced Assessment Consortium  
19 Governance Structure Document (July 1, 2010, amended  
20 September 19, 2013), to withdraw from such consortium.

21

22 (b) Notwithstanding any other provision of law,  
23 neither the director, nor state superintendent, nor the  
24 department of education, nor any other education entity,

1 shall expend any funds, whether from federal grants,  
2 American Recovery and Reinvestment Act funds or elsewhere,  
3 on construction, enhancement or expansion of any statewide  
4 longitudinal data system designed to track students beyond  
5 their kindergarten through grade twelve (12) careers, or  
6 to compile their personal, nonacademic information beyond  
7 what is necessary either for administrative functions  
8 directly related to the student's education, for evaluation  
9 of academic programs and student progress or for compliance  
10 with the requirements of the United States department of  
11 education as provided by W.S. 21-9-104(f)(v) as contained  
12 in this act.

13

14       **Section 6.** The content and performance standards  
15 advisory council, as created by W.S. 21-9-104 under section  
16 1 of this act, shall be established by the state board of  
17 education. All laws and parts of laws in conflict with  
18 this act are repealed.

19

20       **Section 7.**

21

22       (a) Sections 1, 2, 5 and 6 of this act are effective  
23 immediately upon completion of all acts necessary for a



1 bill to become law by Article 4, Section 8 of the Wyoming  
2 Constitution.

3

4 (b) Section 3 of this act is effective immediately  
5 upon completion of all acts necessary for a bill to become  
6 law by Article 4, Section 8 of the Wyoming Constitution,  
7 except as provided by subsection (c) of this section.

8

9 (c) Section 4 of this act is effective only upon a  
10 final order by the district court of Laramie County,  
11 Wyoming, is issued implementing without change the final  
12 ruling of the Wyoming Supreme Court issued January 28,  
13 2014, in the case of Kerry and Clara Powers, on behalf of  
14 themselves and the citizens of Wyoming, and Cindy Hill, on  
15 behalf of herself and as the Superintendent of Public  
16 Instruction v. State of Wyoming and Matthew H. Mead,  
17 Governor, in his official capacity [Docket No. S-13-0042],  
18 then upon expiration of time for appeal of that order, or  
19 if appealed, upon issuance of a final order or mandate of  
20 the Wyoming Supreme Court confirming the district court  
21 final order, the Governor shall certify the entry of the  
22 district court final order. The Governor shall  
23 immediately, file any certification under this section  
24 together with the final order with the secretary of state.

1 If the certification is filed with the secretary of state,  
2 section 4 of this act is effective upon filing and shall  
3 supersede section 3 of this act.

4

5

(END)