

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Education accountability.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to public education; creating the Wyoming
2 Accountability in Education Act and establishing a
3 statewide education accountability system; creating a
4 statewide design team to develop system components;
5 directing refinement of statewide assessment; imposing
6 duties upon the state board of education and the department
7 of education; imposing reporting requirements with
8 prescribed time limitations; specifying design team
9 staffing; providing appropriations; and providing for an
10 effective date.

11

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

13

14 **Section 1.** W.S. 21-2-204 is created to read:

1

2 **21-2-204. Wyoming Accountability in Education Act;**
3 **statewide education accountability system created; design**
4 **team established; membership; advisory to department;**
5 **duties and responsibilities specified; required reporting;**
6 **staff.**

7

8 (a) It is the intent of the legislature that this
9 section ensure that Wyoming monitors and attains the
10 highest achievement for children attending Wyoming public
11 schools. This section, which may be called the "Wyoming
12 Accountability in Education Act," requires a flow of data
13 from the school level up to the state level and back down
14 to the school level. Measurement of the quality of Wyoming
15 student performance is key to this structure. Core
16 indicators of student performance are prescribed by this
17 section. Measurement of those indicators, improvement
18 goals for those indicators, as well as rewards for
19 attaining and consequences for failing to attain those
20 goals, shall be the responsibility of the statewide
21 education accountability design team created by this
22 section. In the manner prescribed by this section, the
23 design team shall report its recommendations back to the

1 legislature for adoption into law and implementation by the
2 Wyoming state board of education and the department of
3 education.

4

5 (b) There is created a statewide education
6 accountability design team to carry out this section and to
7 serve in an advisory capacity to the department of
8 education. The design team shall provide recommendations
9 to the department on the interpretation of legislative
10 requirements established under this section and shall
11 review department implementation of its recommendations and
12 report to the legislature and the department on necessary
13 clarifications of implementation of its recommendations.
14 The design team shall consist of the following members:

15

16 (i) One (1) member who is a superintendent of a
17 Wyoming school district appointed by the Wyoming
18 association of school administrators;

19

20 (ii) One (1) member who is a school principal
21 from a Wyoming school district whose appointment shall
22 rotate between the Wyoming association of secondary school
23 principals and the Wyoming association of elementary and

1 middle school principals, with the initial appointment by
2 the Wyoming association of secondary school principals;

3

4 (iii) One (1) member who is a school district
5 assessment director appointed by the governor;

6

7 (iv) One (1) member who is a public school
8 teacher appointed by the Wyoming education association;

9

10 (v) One (1) member who is serving as a trustee
11 on a Wyoming school district board of trustees appointed by
12 the Wyoming school boards association;

13

14 (vi) One (1) member serving on the Wyoming state
15 board of education elected by the board as representative;

16

17 (vii) Two (2) members of the Wyoming senate
18 appointed by the president of the senate, one (1) of which
19 shall be the chairman of the Wyoming senate education
20 committee; and

21

22 (viii) Two (2) members of the Wyoming house of
23 representatives appointed by the speaker of the house, one

1 (1) of whom shall be the chairman of the house education
2 committee.

3

4 (c) A representative of the department of education
5 designated by the state superintendent of public
6 instruction and a representative of the governor's office
7 designated by the governor shall serve on the statewide
8 education accountability design team in an ex officio
9 capacity.

10

11 (d) The chairman of the senate education committee
12 and the chairman of the house education committee shall
13 serve as cochairmen of the statewide accountability design
14 team. Voting membership terms on the design team shall be
15 for four (4) years. Any member may be reappointed to the
16 design team, but no voting member shall serve more than two
17 (2) four (4) year terms. The appointing authority for any
18 member who vacates membership shall fill the vacancy for
19 the unexpired portion of that term. Legislative members of
20 the design team shall receive compensation, per diem and
21 travel expense reimbursement in the manner and amount
22 prescribed under W.S. 28-5-101.

23

1 (e) A statewide education accountability system shall
2 be established in accordance with this section. The first
3 phase of this system shall be a school-based system that
4 includes student performance as measured through multiple
5 indicators in all subjects for which students are assessed
6 as specified by this subsection, that are reported in terms
7 of performance at prescribed proficiency levels reflecting
8 achievement gaps and college readiness, and that are
9 aggregated to the school level. Core indicators of student
10 performance under the statewide school-based accountability
11 system for each school shall be:

12

13 (i) School level proficiency in reading;

14

15 (ii) School level proficiency in writing;

16

17 (iii) School level proficiency in mathematics;

18

19 (iv) School level proficiency in science;

20

21 (v) A school level achievement gap indicator
22 using a comparison of test scores aggregated across core

1 subject areas specified under paragraphs (i) through (iv)
2 of this section;

3

4 (vi) A school wide and cross core subject area
5 indicator of advanced proficiency for those subject areas
6 prescribed under paragraphs (i) through (iv) of this
7 paragraph;

8

9 (vii) College entrance examination scores for
10 all students in grade eleven (11) as administered under
11 W.S. 21-2-202(a)(xxx);

12

13 (viii) Four (4) year high school graduation
14 rate, as computed in accordance with federal regulations
15 prescribed by the U.S. department of education;

16

17 (ix) Percent of students receiving any of the
18 Hathaway scholarships established under W.S. 21-13-1304 and
19 21-13-1305.

20

21 (f) The core indicators of student performance
22 prescribed by subsection (e) of this section shall be
23 measured by the statewide assessment system implemented by

1 the state board of education under W.S. 21-2-304(a)(v).
2 The design team shall review the statewide assessment and
3 shall provide recommendations within its written report
4 submitted under subsection (m) of this section. The design
5 team shall address:

6

7 (i) Time requirements imposed upon the
8 department and school districts for the administration of
9 the assessment;

10

11 (ii) Time parameters for reporting student test
12 results;

13

14 (iii) Time limitations on the administration of
15 the assessment to students, and any recommendations for
16 uniform administrative procedures of assessment
17 implementation;

18

19 (iv) The burden imposed upon school districts
20 for test administration and piloting new test items for the
21 revised statewide assessment in subsequent school years;

22

1 (v) Use of an assessment administered at the
2 local district level pursuant to W.S. 21-3-110(a)(xxiv) if
3 the design team determines the statewide assessment
4 requires supplemental information to arrive at a reliable
5 and valid measurement of student achievement for purposes
6 of this section, provided any local assessment recommended
7 under this paragraph is reliable and valid across all
8 students, schools and school districts statewide;

9
10 (vi) Review necessary modifications to the
11 statewide assessment as may be required for state
12 involvement in or adoption of any common core state
13 standards initiated under federal and state collaborative
14 efforts;

15
16 (vii) Any other assessment administrative item
17 the design team may identify in its review.

18
19 (g) Accountability system core indicators prescribed
20 under subsection (e) of this section shall be reviewed by
21 the statewide education accountability design team to
22 identify achievement levels to be attached to each core
23 indicator, to determine an appropriate reporting scale for

1 measured achievement and to ensure each core indicator has
2 a stable, reliable measure which reduces any variability
3 caused by small numbers of student populations within any
4 school, grade or district. In addition, the design team
5 shall prescribe procedures for computing assessment scores
6 to ensure reasonably fair and equitable application of
7 accountability system components to identifiable groups of
8 students for which an achievement gap may occur. A
9 prescribed methodology for computation of annual change in
10 student performance, as compared to established target
11 levels in accordance with this subsection, shall be
12 developed by the design team to indicate any periodic
13 growth or decline in student achievement profiled at the
14 school level. The design team shall also identify
15 improvement targets against which change shall be measured,
16 to be combined in an overall accountability score for each
17 school.

18

19 (h) The design team shall establish a progressive
20 process by which each school, as determined by the overall
21 accountability score computed under subsection (g) of this
22 section, is measured against statewide target levels, and
23 shall recommend a system of consequences and incentives

1 based upon the overall accountability score.
2 Implementation of the accountability process imposed under
3 this subsection shall be administered by the state board as
4 part of school district accreditation required under W.S.
5 21-2-304(a)(ii), through appropriate administrative action
6 taken in accordance with W.S. 21-2-304(b)(ii).

7

8 (j) The second phase of the statewide education
9 accountability system shall be predicated upon
10 instructional practice and the development of data
11 necessary to establish measures of teaching practice and
12 the effectiveness of classroom teachers, school principals
13 and district administrators in improving student
14 achievement. The design team shall establish components of
15 effective teaching and administration, shall structure a
16 statewide system for measuring teacher and administrator
17 effectiveness and shall apply measured performance to
18 performance evaluation consequences and incentives. This
19 system shall be based upon a statewide longitudinal data
20 system established by the department linking student
21 assessment results to teachers of record, enabling
22 computation of the effect on student achievement of school

1 and classroom instruction, targeted student interventions
2 and other educational variables such as class size.

3

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

19

20 (m) The statewide accountability design team shall
21 assemble recommendations for implementing the first phase
22 of the statewide education accountability system as
23 required under this section, specifically addressing system

1 components identified in subsections (e) through (h) of
2 this section. Preliminary recommendations under this
3 subsection shall be reported to the joint education interim
4 committee and joint appropriations interim committee of the
5 legislature on or before August 1, 2011, with final
6 recommendations submitted not later than November 1, 2011.
7 Final recommendations shall begin implementation in the
8 2012-2013 school year. Recommendations for phase two
9 implementation, together with established time schedules
10 for each system component, shall be included in the final
11 report.

12

13 (n) In accordance with subsection (b) of this
14 section, the design team shall review proposed rules and
15 regulations promulgated by the department and the state
16 board as required under this section, and shall report its
17 findings to the department, the state board and to members
18 of the joint education interim committee and joint
19 appropriations interim committee prior to implementation of
20 the proposed rules and regulations.

21

22 (o) The legislative service office shall staff the
23 design team. The department of education and other state

1 agencies shall provide information and other assistance to
2 the design team as requested in order to fulfill duties
3 prescribed by this section. The legislative service office
4 may retain consultants as necessary to staff and advise the
5 design team in executing responsibilities prescribed by
6 this section. The management council may expend funds
7 appropriated by the legislature for approved contractual
8 agreements between the council and on behalf of the design
9 team.

10

11 **Section 2.** W.S. 21-2-202(a)(i), (xiv) and (xxi),
12 21-2-203(c)(ii)(intro), (A) and by creating a new
13 subparagraph (C), 21-2-304(a)(ii), (v)(intro), (A), (B),
14 (D), (G), (H), (vi)(intro), (b)(ii), (xiv) and (xv) and
15 21-3-110(a)(xviii), (xix) and (xxiv) 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 (i) Make rules and regulations, consistent with
23 this code, as may be necessary or desirable for the proper

1 and effective administration of the state educational
2 system and the statewide education accountability system
3 pursuant to W.S. 21-2-204. Nothing in this section shall be
4 construed to give the state superintendent rulemaking power
5 in any area specifically entrusted to the state board;

6
7 (xiv) For purposes of the statewide assessment
8 of students and reporting student performance under W.S.
9 21-2-304(a)(v), have authority to assess and collect
10 student educational assessment data from school districts,
11 community colleges and the University of Wyoming. All data
12 shall be consolidated, combined and analyzed in accordance
13 with W.S. 21-2-204(k) and shall be provided within a
14 reasonable time in accordance with rules and regulations of
15 the state board;

16
17 (xxi) Establish and maintain a uniform statewide
18 reporting system based upon requirements of the statewide
19 education accountability system established under W.S.
20 21-2-204 and the statewide student assessment implemented
21 by the state board under W.S. 21-2-204(f) and
22 21-2-304(a)(v);

23

1 **21-2-203. School district data collection and funding**
2 **model administration; duties and responsibilities**
3 **specified; data advisory committee; school district**
4 **compliance.**

5
6 (c) The duties of the department are, in accordance
7 with rules promulgated by the state superintendent, to:

8
9 (ii) Collect data from school districts
10 necessary for the department to administer the school
11 finance system and the statewide education accountability
12 system established under W.S. 21-2-204. In accomplishing
13 this, the department shall:

14
15 (A) Coordinate its work with all other
16 functions of the department so as to consolidate data
17 reporting requirements for school districts and eliminate
18 duplication in reporting to the greatest extent possible,
19 including reporting of assessment results required for
20 determinations under W.S. 21-2-204;

21

1 (C) Establish necessary data systems for
2 linking student achievement with teachers of record, as
3 required for longitudinal data under W.S. 21-2-204(j).

4
5 **21-2-304. Duties of the state board of education.**

6
7 (a) The state board of education shall:

8
9 (ii) Through the evaluation and accreditation of
10 school districts, implement and enforce the uniform
11 standards for educational programs prescribed under W.S.
12 21-9-101 and 21-9-102 in the public schools of this state,
13 including any educational institution receiving any state
14 funds except for the University of Wyoming and Wyoming
15 community colleges, and implement and enforce the statewide
16 education accountability system pursuant to W.S. 21-2-304.

17 The board shall ensure that educational programs offered by
18 public schools in accordance with these standards provide
19 students an opportunity to acquire sufficient knowledge and
20 skills, at a minimum, to enter the University of Wyoming
21 and Wyoming community colleges, to prepare students for the
22 job market or postsecondary vocational and technical
23 training and to achieve the general purposes of education

1 that equips students for their role as a citizen and
2 participant in the political system and to have the
3 opportunity to compete both intellectually and economically
4 in society. In addition, the board shall require school
5 district adherence to the statewide education
6 accountability system;

7
8 (v) Through the state superintendent and in
9 consultation and coordination with local school districts,
10 implement a statewide assessment system comprised of a
11 coherent system of measures that when combined, provide a
12 reliable and valid measure of individual student
13 achievement for each public school and school district
14 within the state, and the performance of the state as a
15 whole. Statewide assessment system components shall be in
16 accordance with requirements of the statewide education
17 accountability system and shall comply with findings and
18 recommendations developed by the statewide education
19 accountability design team pursuant to W.S. 21-2-204.
20 Improvement of teaching and learning in schools, attaining
21 student achievement targets for core indicators established
22 under W.S. 21-2-204 and fostering school program
23 improvement shall be the primary purposes of statewide

1 assessment of student performance in Wyoming. The
2 statewide assessment system shall:

3

4 (A) Measure individual student performance
5 and progress in a manner substantially aligned with the
6 uniform educational program and student content and
7 performance standards imposed by law and by board rule and
8 regulation, and as prescribed under W.S. 21-2-204;

9

10 (B) Be administered at appropriate levels
11 at specified grades and at appropriate intervals aligned to
12 the standards, specifically assessing student performance
13 in reading, writing and mathematics ~~at grades four (4),
14 eight (8) and eleven (11), and effective school year 2005-
15 2006, and each school year thereafter, assessing student
16 performance in reading, writing and mathematics~~ at grades
17 three (3) through eight (8) and at grade eleven (11). In
18 addition, ~~and commencing school year 2007-2008 and each
19 school year thereafter,~~ the statewide assessment system
20 shall assess student performance in science not less than
21 once within each grade band for grades three (3) through
22 five (5), grades six (6) through eight (8) and grades ten
23 (10) through twelve (12). The structure and design of the

1 assessment system shall allow for the comprehensive
2 measurement of student performance through assessments that
3 are administered each school year simultaneously on a
4 statewide basis and through assessments administered
5 periodically over the course of the school year which are
6 designed to provide a more comprehensive and in-depth
7 measurement of subject areas aligned to the state content
8 and performance standards. The assessment system shall
9 reflect rules and regulations governing test administration
10 as promulgated under W.S. 21-2-204, and may also measure
11 the other common core of knowledge and skills established
12 under W.S. 21-9-101(b) which can be quantified;

13

14 (D) Measure year-to-year changes in student
15 performance and progress in the subjects specified under
16 subparagraph (a)(v)(B) of this section, link student
17 performance to teachers of record and compare and evaluate
18 student achievement during the process of student
19 advancement through grade levels. The assessment system
20 shall ensure the integrity of student performance
21 measurements used at each grade level to enable valid year-
22 to-year comparisons and shall be sufficient to capture

1 necessary data to enable application of measures of core
2 indicators as required under W.S. 21-2-204;

3
4 (G) Provide appropriate accommodations or
5 alternative assessments to enable the assessment of
6 students with disabilities as specified under W.S.
7 21-9-101(c)(i) and students with limited English
8 proficiency, and to account for achievement gaps identified
9 under W.S. 21-2-204(g);

10
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 as
15 well as school level achievement targets. In addition to
16 reporting requirements imposed under W.S. 21-2-204, the
17 assessment results shall be reported to students, parents,
18 schools, school districts and the public in an accurate,
19 complete and timely manner. ~~and~~ Assessment results shall be
20 used in conjunction with a school district's annual
21 assessment to design educational strategies for improvement
22 and enhancement of student performance and in guiding
23 actions by the state board and the department in response

1 to student performance target indicators measured and
2 established under W.S. 21-2-204. This design for
3 improvement shall be part of each district's school
4 improvement plan and shall be used by the state board and
5 the department in providing and directing intervention and
6 technical assistance to districts in the delivery of core
7 education programs. In consultation and coordination with
8 school districts, the ~~board~~ statewide education
9 accountability design team established under W.S. 21-2-204
10 shall in accordance with W.S. 21-2-204(k), review and
11 evaluate the assessment system regularly and based upon
12 uniform statewide reports, ~~from each district,~~ annually
13 report to the state board, the department and the
14 legislature on student performance at specified grade
15 levels and on school improvement plans.

16

17 (vi) ~~Effective school year 2005-2006 and each~~
18 ~~school year thereafter,~~ Based upon recommendations of the
19 statewide education accountability design team, through the
20 state superintendent and in consultation and coordination
21 with local school districts, by rule and regulation
22 ~~establish~~ implement a statewide accountability system
23 ~~providing~~ in accordance with and subject to requirements

1 imposed under W.S. 21-2-204. In addition and for purposes
2 of complying with requirements under the federal No Child
3 Left Behind Act of 2001, the board shall by rule and
4 regulation provide for annual accountability determinations
5 based upon adequate yearly progress measures imposed by
6 federal law for all schools and school districts imposing a
7 range of educational consequences resulting from
8 accountability determinations. ~~whereby:~~

9
10 (b) In addition to subsection (a) of this section and
11 any other duties assigned to it by law, the state board
12 shall:

13
14 (ii) Enforce the uniform state educational
15 program standards imposed by W.S. 21-9-101 and 21-9-102 and
16 the uniform student content and performance standards
17 established by rules and regulations adopted under
18 subsection (a) of this section, together with student
19 performance indicators established and measured pursuant to
20 W.S. 21-2-204, by taking appropriate administrative action
21 with the state superintendent, including but not limited to
22 the changing of accreditation status;

23

1 (xiv) Based upon student performance levels
2 determined by the statewide education accountability design
3 team under W.S. 21-2-204, establish improvement goals for
4 public schools for assessment of student progress based
5 upon the national assessment of educational progress
6 testing program and the statewide assessment system
7 established under W.S. 21-2-204 and paragraph (a)(v) of
8 this section;

9
10 (xv) Subject to recommendations and findings
11 under W.S. 21-2-204, promulgate rules and regulations for
12 the development, assessment and approval of school district
13 teacher performance evaluation systems. Rules and
14 regulations adopted under this paragraph shall allow each
15 district flexibility in developing additional components to
16 an evaluation system which meets the individual needs of
17 the district;

18
19 **21-3-110. Duties of boards of trustees.**

20
21 (a) The board of trustees in each school district
22 shall:

23

1 (xviii) Subject to W.S. 21-2-204, establish a
2 teacher performance evaluation system and require the
3 performance of each continuing contract teacher to be
4 evaluated in writing at least once each year. The teacher
5 shall receive a copy of each evaluation of his performance;

6

7 (xix) Use statewide education accountability
8 system determinations, to the extent specified under W.S.
9 21-2-204, in its performance evaluations, ~~required~~ which
10 shall serve as a basis for improvement of instruction,
11 enhancement of curriculum program implementation,
12 measurement of both individual teacher performance and
13 professional growth and development and the performance
14 level of all teachers within the school district, and as
15 documentation for unsatisfactory performance for dismissal
16 and termination proceedings;

17

18 (xxiv) Establish a student assessment system to
19 measure student performance relative to the uniform student
20 content and performance standards in all content areas for
21 which the state board has promulgated standards pursuant to
22 W.S. 21-2-304(a)(iii). To the extent required by the ~~state~~
23 ~~board under W.S. 21-2-304(a)(v) and (vi)~~ statewide

1 education accountability design team under W.S. 21-2-204,
2 the district assessment system shall be integrated with the
3 statewide assessment system and the statewide
4 accountability system. A component of the district
5 assessment system required by this paragraph shall include
6 a body of evidence assessment system designed and used to
7 determine the various levels of student performance as
8 described in the uniform student content and performance
9 standards relative to the common core of knowledge and
10 skills prescribed under W.S. 21-9-101(b);

11

12 **Section 3.** W.S. 21-2-304(a)(vi)(A) through (E) is
13 repealed.

14

15 **Section 4.** Initial appointments to the statewide
16 accountability design team established under this act shall
17 be made in sufficient time to enable the first meeting of
18 the design team to be held not later than May 1, 2011.
19 Notwithstanding W.S. 21-2-204(d) as created under section 1
20 of this act, initial terms for design team members
21 appointed under W.S. 21-2-204(b)(ii), (iv), (vi) and (xi)
22 shall be for two (2) years. Thereafter, these appointments
23 shall serve for a term of four (4) years.

1

2

Section 5.

3

4 (a) For the period commencing upon the effective date
5 of this act and ending June 30, 2012, unexpended,
6 unobligated amounts appropriated to the legislative service
7 office under 2010 Wyoming Session Laws, Chapter 39, Section
8 334(f)(ii), shall be available for expenditure by the
9 legislative service office for professional consulting
10 expertise and other support necessary to carry out and
11 execute the work of the statewide accountability design
12 team as required under this act. Professional consulting
13 expertise may be retained by the legislative service office
14 only upon approval of the management council, and the
15 unexpended, unobligated amounts may be expended for
16 contractual agreements between the council and professional
17 consultants.

18

19 (b) For the period beginning upon the effective date
20 of this act and ending June 30, 2012, fifty thousand
21 dollars (\$50,000.00) is appropriated from the school
22 foundation program account to the legislative service
23 office to fund necessary expenses of the statewide

1 accountability design team established under this act, as
2 necessary to carry out this act.

3

4 **Section 6.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)