**DRAFT ONLY**
**NOT APPROVED FOR INTRODUCTION**

SENATE FILE NO. _____

Education accountability.

Sponsored by: SDraft

A BILL

for

AN ACT relating to the Wyoming Accountability in Education Act; generally modifying the act and modifying the statewide assessment system; modifying duties and tasks of implementation and administration; authorizing rulemaking and requiring reporting; continuing the select committee on statewide education accountability and advisory committee; providing additional duties and assigning additional areas of accountability system study and development; providing appropriations; and providing for effective dates.

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

**Section 1.** W.S. 21-2-202(a)(xiv) and (xxx), 21-2-204(b)(intro), by creating new paragraphs (iii)

through (ix), (c), (d)(intro), (e), (f)(intro), by creating new paragraphs (iii) through (viii), by amending and renumbering (iii) as (ix), (h) and by creating new subsections (j) and (k), 21-2-304(a)(iv)(intro), (v)(intro), (B), (D), (E), (H), (vi), (b)(xv), by creating a new paragraph (xvi) and by renumbering (xvi) as (xvii), 21-3-110(a)(xvii) through (xix), (xxiv)(intro), (xxix), (xxx) and (b), 21-7-102(a)(ii)(A) and (B) and 21-7-110(a)(vii) are amended to read:

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

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

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. 21-2-204(h) and shall be provided within a reasonable time in accordance with rules and regulations of

the state board;~~. In addition and pursuant to W.S. 21-2-304(a)(vii) and 21-3-110(a)(xxiv)(B), effective school year 2012-2013, the state superintendent shall, through the department, receive scores for each student assessed by each school district under the benchmark adaptive assessment administered under W.S. 21-3-110(a)(xxiv)(B), with appropriate linkages to teachers, schools and districts, reported in formats and schedules established by rule and regulation of the state board;~~

(xxx) Effective school year ~~2006-2007~~ 2012-2013 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized, curriculum based, achievement college entrance examination and a job skills assessment test selected by the state superintendent to all students in the eleventh ~~grade~~ and twelfth grades throughout the state as provided in W.S. 21-3-110(a)(xxix), except that any student with an individual education plan may be excused from taking either the college entrance examination or the job skills test if the parent or guardian of the student submits a request for the excusal to the appropriate local

school district authority. The examination and test selected by the state superintendent, shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, ~~writing and~~ mathematics and science, for both grades eleven (11) and twelve (12) additionally, writing in grade eleven (11). The jobs skills assessment test shall at a minimum test in the areas of applied math, reading for information and locating information. The state superintendent shall pay all costs associated with administering the college entrance examination and the jobs skills assessment test and shall schedule a day during which both examinations shall be provided to and one (1) shall be administered to all eleventh and twelfth grade students throughout the state. In addition, the college entrance examination may be administered to the twelfth grade students on a different day than administration to eleventh grade students. The date for administration in grade eleven (11) shall be selected so that following receipt of scores, students may timely register for senior year classes which may be necessary to allow the student to qualify for a state provided scholarship. The state

superintendent may enter into agreements with an administrator of the college entrance examination and an administrator of the jobs skills assessment test and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment;

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

(b) A statewide education accountability system shall be established in accordance with this section, which ~~considers use of~~ implements the components of the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and as contained in Attachment "A" as defined under W.S. 21-13-101(a)(xvii). The first phase of this system shall be a school-based system that ~~includes~~ is based on student performance as ~~measured~~ determined through multiple ~~indicators in those subjects for which students are assessed as specified by this subsection, that are reported in terms of student achievement at prescribed performance levels, and that are aggregated to the school level. Core indicators of student performance under the~~

~~first phase of the statewide school-based accountability system for each applicable school shall be~~ measures of school performance. The goals of the Wyoming Accountability in Education Act are to:

(iii) Become a national education leader among states;

(iv) Ensure all students leave Wyoming schools career or college ready;

(v) Recognize student growth and increase the rate of that growth for all students;

(vi) Recognize student achievement and minimize achievement gaps;

(vii) Improve teacher, school and district leader quality. School and district leaders shall include superintendents, principals and other district or school leaders serving in a similar capacity;

(viii) Maximize efficiency of Wyoming education;

(ix) Increase credibility and support for Wyoming public schools.

(c) School level performance ~~in reading shall be measured by the statewide assessment system implemented by the state board of education under W.S. 21-2-304(a)(v). Additional secondary school outcomes shall be measured in accordance with subsection (d) of~~ shall be determined by measurement of performance indicators and attainment of student performance as specified by this section. To the extent applicable, each measure shall be aggregated to the school level based upon those grades served inclusive to each school as reported by the respective school district to the department of education. The indicators of school level performance shall be:

(i) Student longitudinal academic growth in reading and mathematics and academic achievement in reading, writing, mathematics and science as measured by the Wyoming statewide assessments administered pursuant to W.S. 21-2-304(a)(v);

(ii) Readiness, as defined by a standardized college readiness test covering English, reading, mathematics and science, with school level results aggregated according to a procedure in which values and weights are determined by a deliberative method tied to specific definitions of post secondary readiness, administered as follows:

(A) In the fall semester in grade nine (9);

(B) In grade ten (10).

(iii) Readiness, as defined by a standardized achievement college entrance examination administered pursuant to W.S. 21-2-202(a)(xxx) in grades eleven (11) and twelve (12), covering at a minimum English, reading, writing, mathematics and science in grade eleven (11), and English, reading, mathematics and science in grade twelve (12), with school level results aggregated according to a procedure in which values and weights determined by a deliberate method are tied to specific definitions of post secondary readiness;

(iv) Readiness, as defined by graduation or high school completion rates.

(d) Beginning in school year ~~2011-2012~~ 2012-2013, and each school year thereafter, the department of education shall compute ~~a combined~~ and report an overall school ~~score for~~ performance rating measured by student performance ~~in the core~~ on those performance indicators specified under subsection ~~(b)~~ (c) of this section. ~~as follows:~~ Any school may through its school district, seek informal review of any overall school performance rating or other performance determination rendered by the state board under subsection (e) of this section by filing a request with the state board. The state board shall promulgate rules and regulations governing an informal review process conducted under this subsection.

(e) The state board shall compile, evaluate and determine the target levels for an overall school performance rating and for content level performance. This determination by the board shall be developed through a prescribed deliberative process informed by a panel comprised of broad based representation from both public

education and the community at-large. The target ~~level~~ levels for ~~student~~ school performance ~~under the first phase of the statewide accountability system shall be positive progress~~ on all ~~core~~ performance indicators measured under subsection ~~(d)~~ (c) of this section shall conform to the January 2012 education accountability report as defined by subsection (k) of this section and shall be used by the state board to:

(i) Identify four (4) levels of school performance tied to the overall school performance rating that demonstrate a range of performance levels as follows:

(A) Exceeding expectations including those schools performing above standards in all measured areas;

(B) Meeting expectations;

(C) Partially meeting expectations; and

(D) Not meeting expectations.

(ii) Further measure performance specified under paragraph (i) of this subsection by identifying content level performance in all areas specified by subsection (c) of this section and from this analysis determine schools that are exceeding, meeting or are below targets in each content area;

(iii) Coordinate the target levels, school and content level determinations with the availability of the system of support, interventions and consequences administered in accordance with subsection (f) of this section.

(f) A progressive multi-tiered system of support, intervention and consequences to assist schools shall be established by the state board and shall conform to the January 2012 education accountability report as defined by subsection (k) of this section. The system shall clearly identify and prescribe the actions for each level of support, intervention and consequence. Commencing with school year 2013-2014, and each school year thereafter, ~~any school that fails to meet the computed school improvement targets established under subsection (e) of this section~~

~~shall be subject to~~ the state superintendent shall take action based upon system results according to the following:

(iii) Schools designated as exceeding expectations shall file a communication plan with the school district superintendent and the department to document effective practices and to communicate effective practices with other schools in the state;

(iv) Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department. The plan shall be based upon an evaluation of the strengths and deficiencies in specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this

subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district, if requested, in identifying and securing the necessary resources to support the goals as stated by the school and the district;

(v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content areas where performance is below target levels. The state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content areas where performance is below target levels. The state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be approved by the local board of trustees and submitted to the school district superintendent prior to submission to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may be grounds for dismissal of the school principal pursuant to W.S. 21-7-110;

(vii) A representative shall be appointed by the state superintendent for all schools designated under paragraphs (iv) through (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may constitute more than one (1) individual for schools requiring substantial intervention and support. Among other duties as may be requested by the district or department, the representative shall review and approve improvement plans submitted by schools in accordance with paragraphs (iv) through (vi) of this subsection. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan. The representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention, support and

consequences to be administered under this subsection. The state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section, including the efficacy of representatives appointed under this paragraph;

(viii) To the extent permitted by law and rule and regulation, plans submitted in compliance with paragraphs (iii) through (vi) of this subsection shall serve to comply with similar requirements administered by the state superintendent and the department to minimize submission of duplicative information, material and the administrative burdens on schools. All plans submitted under this subsection shall be made available for public inspection through internet access as defined by W.S. 9-2-1035(a)(iii);

~~(iii)~~(ix) In addition to ~~paragraph (ii)~~ paragraphs (iii) through (viii) of this subsection, the state board shall administer this subsection as part of school district

accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).

(h) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be combined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. The reporting system shall describe the performance of each public school in Wyoming and the performance report shall:

(i) Include an overall school performance rating along with ratings for each of the indicators in the accountability system that:

(A) Supports the overall school performance rating; and

(B) Provides detailed information for analysis of school performance on the various components of the system.

(ii) Be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, reported subgroups of students shall include at minimum, economically disadvantaged students, English language learners, identified racial and ethnic groups and students with disabilities; and

(iii) Provide longitudinal information to track student performance on a school, district and statewide basis.

(j) Reporting under subsection (h) of this section shall provide valid and reliable data on the operation and impact of the accountability system established under this section, for use by the legislature to analyze system effectiveness and to identify system improvements that may be necessary. Beginning school year 2013-2014 and each school year thereafter, the state board shall annually review the statewide education accountability system, including but not limited to a review of the appropriateness of the performance indicators, the measures used to demonstrate performance, the methods used to calculate school performance, the target levels and statewide, district and school attainment of those levels and the system of support, intervention and consequences. Not later than September 1, 2014, and each September 1 thereafter, the state board shall report to the joint education interim committee on the information required under this subsection and the results of the accountability system for each school in the state.

(k) As used in this section, the "January 2012 education accountability report" means the report prepared by legislative consultants submitted to and approved by the

legislature that addresses phase one of the statewide accountability in education system and establishes the design framework for this system. The report is on file with and available for public inspection from the legislative service office.

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

(a) The state board of education shall:

(iv) Establish, in consultation with local school districts, requirements for students to earn a high school diploma as measured by each district's ~~body of evidence~~ assessment system prescribed by rule and regulation of the state board and required under W.S. 21-3-110(a)(xxiv). Beginning school year 2013-2014, and each school year thereafter, the state board shall annually review and approve each district's assessment system designed to determine the various levels of student performance and effective school year 2012-2013, and each school year thereafter, shall require district administration of common interim assessments statewide in grades three (3) through eight (8). A high school diploma

shall provide for one (1) of the following endorsements which shall be stated on the transcript of each student:

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system 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. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for ~~core~~ performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(B) Be administered ~~at appropriate levels at~~ in specified grades ~~and at appropriate intervals~~ aligned to the student content and performance standards,

specifically ~~assessing student performance in reading 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 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). Effective school year 2013-2014 and each school year thereafter, the statewide assessment system shall assess student performance in science at grades three (3) through eight (8) and grade eleven (11). As a component of the statewide assessment system but separately administered, the statewide writing assessment shall be a valid and reliable measure of student writing according to the writing content and performance standards promulgated under paragraph (iii) of this subsection implementing the common core of knowledge and skills as required by W.S. 21-9-101, and shall allow for monitoring and evaluation of annual trends in student and school level writing performance.

Effective school year 2013-2014 and each school year thereafter, the statewide writing assessment shall be administered to grades four (4), six (6), eight (8) and eleven (11). 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, with the writing assessment administered separately statewide;

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section, and not later than school year 2013-2014, link student performance and progress to teachers of record ~~and compare and evaluate student achievement during the process of student advancement through grade levels~~ and school and district leaders, including superintendents, principals and other district or school leaders serving in a similar capacity. The assessment system shall ensure the integrity of student performance measurements used at each grade level to enable valid year-to-year comparisons and shall be sufficient to

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

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

(H) Provide a measure of accountability to enhance learning in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress as well as school level achievement, growth and readiness targets. In addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner. Assessment results shall be used in conjunction with a school district's annual assessment to design educational strategies for improvement and enhancement of student

performance required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing a progressive multi-tiered system of support, intervention and ~~technical assistance~~ consequences to districts in developing school ~~turn-around~~ improvement plans in response to student performance to attain target ~~indicators~~ levels measured and established under W.S. 21-2-204. In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, annually report to the legislature not later than December 1 as required under W.S. 21-2-204.

(vi) Subject to and in accordance with W.S. 21-2-204, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate achievement, growth and readiness as required by W.S. 21-2-204. The state board shall establish performance targets as required by W.S. 21-2-204(e) and establish a progressive multi-

tiered system of supports, interventions and consequences as required by W.S. 21-2-204(f). The system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule and regulation provide for annual accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences and supports resulting from accountability determinations;

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

(xv) Not later than July 1, 2013, promulgate rules and regulations for ~~the development, assessment and approval of~~ implementation and administration of an annual school district teacher performance evaluation ~~systems~~ system based in part upon defined student academic ~~growth~~ performance measures as prescribed by law and upon longitudinal data systems linking student achievement with

teachers of record.~~,~~ The evaluation system shall clearly ~~prescribing~~ prescribe standards for satisfactory and unsatisfactory performance and define teacher of record for purposes of the teacher and school district leader evaluation and accountability system. Rules and regulations adopted under this paragraph shall to the extent ~~student achievement measures are~~ the statewide accountability system is not compromised, ~~provide district ability to include a portion of an evaluation system designed to address~~ allow districts the opportunity to tailor the system to meet the individual needs of the district. The performance evaluation system shall also include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to teachers performing unsatisfactorily, which are designed to improve instruction and student achievement;

(xvi) Not later than July 1, 2013, promulgate rules and regulations for implementation and administration of an annual performance evaluation system for school and district leadership, including superintendents, principals and other district or school leaders serving in a similar

capacity. The performance evaluation system shall include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to district administrative personnel performing unsatisfactorily, designed to improve leadership, management and student achievement;

~~(xvi)~~ (xvii) Through the state superintendent, implement, administer and supervise education programs and services for adult visually handicapped and adult hearing impaired persons within the state.

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

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

(xvii) Not later than school year 2013-2014 and each school year thereafter, require the performance of each initial contract teacher to be evaluated in writing at least twice annually based in part upon student achievement measures as prescribed by rule and regulation of the state

board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xviii) Not later than school year 2013-2014 and each school year thereafter, establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated in writing at least once each year based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xix) Not later than school year 2013-2014 and each school year thereafter, based in part upon student achievement measures established by the state board of education under W.S. 21-2-304(b)(xv), performance evaluations shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory

performance for dismissal, suspension and termination proceedings under W.S. 21-7-110;

(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 W.S. 21-2-204 and 21-2-304(a)(vii), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. Beginning school year 2012-2013 and each school year thereafter, a component of the district assessment system shall include interim assessments in grades three (3) through eight (8), common to all districts statewide, which are administered in grades three (3) through eight (8) at least three (3) times during any one (1) school year. An additional component of the district assessment system shall include common benchmark assessments administered in summer school and extended day intervention and remediation programs in accordance with W.S. 21-13-334(h)(iv). Components of the district assessment system required by this paragraph shall ~~include the following:~~ be designed and used to determine

the various levels of student performance and attainment of high school graduation as described in the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b). Beginning school year 2013-2014 and each school year thereafter, the district shall on or before August 1, report to the state board in accordance with W.S. 21-2-304(a)(iv) on its assessment system established under this paragraph;

(xxix) Beginning in the spring semester ~~2007~~ 2013, and each spring semester thereafter, administer a program where all students enrolled in the eleventh ~~grade~~ and twelfth grades in the district shall be required to take, on a date specified by the state superintendent, either a standardized, curriculum based, achievement college entrance examination or a jobs skills assessment test in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh ~~grade~~ and twelfth grades and residing within the district to take either the examination or the jobs skills assessment test one (1) time at no cost to the student on the same date the

examination and test are administered to all eleventh and twelfth grade public school students in the state. The results of the examination or jobs skills assessment test taken shall be included in each student's transcript;

(xxx) Not later than school year 2013-2014 and each school year thereafter, in addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school ~~principal~~ district leader, including superintendents and principals and other district or school leaders serving in a similar capacity to be evaluated ~~by the district superintendent~~ in accordance with the statewide education accountability system established under W.S. 21-2-204. Not later than August 15, 2014 and each school year thereafter, in accordance with rules and regulations of the state board, the district board shall also provide the state board written reports verifying ~~principal~~ school district leader performance and providing performance scores necessary for continued employment;

(b) On or before April 15, ~~of each school year,~~ 2014 and each school year thereafter, each school district superintendent shall provide a report to the board of

trustees identifying all teachers and school and district leaders within the district whose performance, through evaluations conducted under paragraphs (a)(xvii) through (xix) and (xxx) of this section, has been determined inadequate or unsatisfactory for that school year. The report shall include a summary of mentoring and other professional development activities made available to the identified school and district leaders and teachers to improve instruction and student achievement. Not later than June 1, ~~of each school~~ 2014 and each school year thereafter, the board shall file a report with the department of education certifying compliance with this subsection.

**21-7-102. Definitions.**

(a) As used in this article the following definitions shall apply:

(ii) "Continuing Contract Teacher":

(A) Any initial contract teacher who has been employed by the same school district in the state of

Wyoming for a period of three (3) consecutive school years, ~~has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time and~~ has had his contract renewed for a fourth consecutive school year and, beginning school year 2013-2014 and each school year thereafter, has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district, and, beginning school year 2013-2014 and each school year thereafter, has performed satisfactorily on performance evaluations conducted by both districts under W.S. 21-3-110(a)(xvii) during this period of time.

**21-7-110. Suspension or dismissal of teachers; notice; hearing; independent hearing officer; board review and decision; appeal.**

(a) The board may suspend or dismiss any teacher, or terminate any continuing contract teacher, for any of the following reasons:

(vii) Beginning school year 2013-2014 and each school year thereafter, inadequate performance as determined through annual performance evaluation tied to student academic growth completed in accordance with W.S. 21-3-110(a)(xvii) through (xix);

**Section 2.** W.S. 21-2-204(b)(i), (ii), (d)(i) through (iii), (f)(i) and (ii), 21-2-304(a)(vii), 21-3-110(a)(xxiv)(A) and (B) and 2011 Wyoming Session Laws, Chapter 184, Section 4(g) and (h) and Section 5(a) and (b)(v) are repealed.

**Section 3.**

(a) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Sections 4 and 5, there shall be no benchmark adaptive assessment implemented or administered as a result of the Wyoming Accountability in Education Act. In lieu of

the benchmark adaptive assessment, the statewide assessment system as mandated by W.S. 21-2-304(a)(v) shall be utilized for purposes of determining student achievement and growth. The state superintendent shall request an amendment to Wyoming's federal accountability workbook from the United States department of education allowing the reading assessment to fulfill the language requirements of the statewide assessment administered under W.S. 21-2-304(a)(v) and the language arts requirement of the federal No Child Left Behind Act of 2001. The state superintendent shall report to the select committee on statewide education accountability on the status of the amendment on or before July 1, 2012.

(b) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 5(b)(v), the state board shall, in accordance with and as a part of the statewide assessment system administered in accordance with W.S. 21-2-304(b)(v), establish a separate writing assessment to be implemented and administered statewide in school year 2013-2014 and each school year thereafter. The assessment shall be a valid and reliable measure of student writing according to the writing content and performance standards adopted by

the state board under W.S. 21-2-304(a)(iii) and shall allow for monitoring and evaluation of trends in writing performance on an individual student and school basis. Until the amendment request is granted under subsection (a) of this section, the separate statewide writing assessment shall be administered in grades four (4), six (6), eight (8) and grade eleven (11) each year on one (1) day, not to exceed a total of two (2) hours thirty (30) minutes of assessment time for any grade specified in this subsection during any statewide administration. The state board shall report to the select committee on statewide education accountability not later than July 1, 2012 on the status of the writing assessment required by this subsection and W.S. 21-2-304(a)(v).

(c) In addition to subsection (b) of this section, the state board, through the department of education, shall commence development of a statewide assessment system complying with the requirements imposed under W.S. 21-2-304(a)(v), as amended by section 1 of this act. The state board shall periodically report to the select committee on progress on assessment development under this act, and shall at minimum report to the select committee

prior to issuing any request for proposal or contract amendment to commence assessment system development and implementation.

**Section 4.**

(a) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4, the select committee on statewide education accountability shall continue through December 31, 2013. The chairman of the senate education committee and the chairman of the house education committee shall continue to serve as cochairmen of the select committee. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(b) shall continue to serve on the select committee through December 31, 2012. New members shall be appointed for terms commencing with the sixty-first legislature as provided in 2011 Wyoming Session Laws, Section 4(b). Select committee members shall receive compensation, per diem and travel expense reimbursement in the manner and amount prescribed under W.S. 28-5-101. The appointing authority for any member who vacates membership shall fill the vacancy.

(b) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4, the advisory committee shall continue to assist the select committee as the select committee deems necessary through December 31, 2013. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(d) shall continue to serve on the advisory committee. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed to the advisory committee which is not an employee of a governmental subdivision or a member of a political subdivision board or commission shall receive per diem and travel expenses in the manner and amount provided state employees under W.S. 9-3-103.

(c) The legislative service office shall staff the select committee and the advisory committee. The department of education, the state superintendent and other state agencies shall provide information and other assistance as requested by the select committee or the advisory committee. The legislative service office may retain consultants as necessary to staff and advise the select committee in executing responsibilities prescribed by this act. The management council may expend funds

appropriated by the legislature for approved contractual agreements between the council and professional consultants on behalf of the select committee.

**Section 5.**

(a) The state board, in consultation with the department of education, shall report to the legislative service office not later than August 15, 2012 on the implementation of phase one of the statewide education accountability system as amended by W.S. 21-2-204 and 21-2-304(a)(vi). Except as provided under W.S. 21-2-304(a)(v) for delayed implementation of several components of the statewide assessment system, the report shall include the design and proposed business rules for implementation and administration of a fully operational phase one statewide education accountability system by school year 2012-2013. The department of education shall use available data from school year 2011-2012 and all applicable prior years to demonstrate the operation of phase one of the system and application of the business rules as proposed by the state board. As subsequent data may become available, the department shall review the

operation of phase one of the system and based upon that review, report to the state board any revisions for system implementation.

(b) The system reported to the legislative service office as required by subsection (a) of this section shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). For system indicators and data not yet collected but specified in the January 2012 report or otherwise required by this act, the department of education shall provide a specific plan describing how the indicators will be incorporated into accountability system computations and analysis upon becoming available. In addition, the department shall calculate overall school and indicator level results for the 2012-2013 pilot school year based upon data available during the 2011-2012 school year and all applicable prior school years. The report shall incorporate business rules and a plan for administration and implementation which at a minimum includes the following elements:

(i) A technically defensible approach to calculate achievement, growth and readiness as required by W.S. 21-2-204(d), as amended by section 1 of this act;

(ii) Use of a deliberative process informed by broad-based representation of public education and the community at-large in developing and establishing performance levels on the various performance indicators and the overall process as required under W.S. 21-2-204(e), as amended by section 1 of this act;

(iii) Performance targets and levels of performance required by W.S. 21-2-204(e), as amended by section 1 of this act;

(iv) Inclusion requirements, including but not limited to:

(A) The identification and definition of students who shall be assessed to determine school performance and accountability with the expectation that all Wyoming students in eligible grades shall participate in the assessment and accountability system;

(B) Identification and definition of the minimum number of students and data elements acceptable for calculation of school, student and group performance and accountability; and

(C) Identification and definition of an academic year for purposes of determining school performance and accountability.

(v) Attribution requirements, including but not limited to the identification and definition of school configurations and the identification and definition of the linkage necessary between a student and a school that shall be used for determining school performance and accountability.

(c) A separate component of the report required under this section shall include a design document and implementation plan describing the provision of a progressive multi-tiered system of supports, interventions and consequences administered by the department and the state board based upon the performance of each school at

each level as required by W.S. 21-2-204(f), as amended by section 1 of this act. In administering the state system of supports, interventions and consequences established by the state board and in appointing representatives to assist schools, school districts and the department in developing school improvement plans and resourcing plan implementation, the state superintendent shall first consider the level of expertise appropriate for the development and implementation of a particular improvement plan and all associated education strategies. This decision shall be followed by a consideration of the level of critical review and evaluation required for evaluating school improvement plans and the required level of evaluation of the accuracy of any research synthesis incorporated into plan implementation. The state superintendent shall, depending upon the level of expertise required, appoint a representative from the department or from a school district, or both, and may appoint a representative through contracted expertise. In those schools requiring substantial intervention and support, the state superintendent may establish a support structure for that school comprised of distinguished educators possessing the necessary credentials, education and expertise to

assist schools appropriately, who possess the necessary experience, education and expertise commensurate with the level of intervention, support and consequences to be administered. The state superintendent shall report the effectiveness of appointed representatives in improving school performance in the annual report to the state board, as required under W.S. 21-2-204(f)(vii), as amended by section 1 of this act.

(d) The legislative service office shall review the report submitted by the state board and department of education in accordance with this section and report findings and recommendations to the advisory committee reestablished under section 4(b) of this act regarding the proposed implementation and administration of phase one of the statewide education accountability system for school year 2012-2013. Not later than September 15, 2012, the advisory committee and the legislative service office shall report to the select committee on recommendations, conclusions and findings in response to the submission of the report.

**Section 6.**

(a) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4(g), the select committee on statewide education accountability shall continue the study of phase one of the statewide education accountability system and initiate phase two of the statewide education accountability study in accordance with subsection (c) of this section. The select committee shall report to the legislature on its findings and include recommendations for implementing legislation and a timeline for implementation when applicable.

(b) The select committee shall continue to study and develop recommendations as related to phase one of the education accountability act in the following areas:

(i) Additional measures of assessment and data elements at the secondary level that may account for students taking more than four (4) years to graduate or complete the general educational development (GED) tests or other appropriate measures of high school completion;

(ii) Additional post secondary and career information that may assist in the determination of growth and achievement as related to career or college readiness. The measures or data at a minimum shall include:

(A) Consideration of information related to college course completion;

(B) Remediation needs and rates at both Wyoming post secondary education institutions and to the extent possible, institutions from other states;

(C) Enrollment and academic performance in advance placement courses;

(D) Participation in joint enrollment or other post secondary courses while enrolled at the secondary level;

(E) Qualitative data;

(F) Attainment of career or industry certification; and

(G) Achievement of post secondary outcomes.

(iii) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4(f)(ii), the select committee shall continue the study of an end of course assessment and assessment systems that measure various levels of student performance as described in the uniform student content and performance standards as required by W.S. 21-2-304(a)(iv) and 21-3-110(a)(xxiv). Not later than September 1, 2012, the state board shall report and make recommendations to the select committee on the use of an end of course assessment system as a component of the statewide summative assessment and for district assessment systems that are designed and used to determine the various levels of student performance for purposes of fulfilling high school graduation requirements. Additionally, end of course assessment results shall be used in the statewide accountability system, the school district leader and teacher accountability system and the student accountability system. The recommendations shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k);

(iv) Data requirements and systems necessary to support the statewide education accountability system and the goal of improved student and school performance.

(c) The select committee shall study and develop recommendations on phase two of the statewide education accountability system, including the performance of school and district leaders and teachers. For purposes of this study, school and district leaders include superintendents, principals and other district or school leaders serving in a similar capacity. School district leader and teacher evaluation and accountability shall at a minimum include the following:

(i) A comprehensive definition of an effective school district leader and teacher;

(ii) A measurement system to evaluate school and district leaders' and teachers' performance relative to the definition of an effective school district leader or teacher, as appropriate;

(iii) Definition of school district leader or teacher of record;

(iv) The use of student performance results in a valid and reliable manner;

(v) At least three (3) levels of performance for school and district leaders and teachers, including highly effective, effective and ineffective;

(vi) A differentiated system to account for differences between novice school and district leaders or teachers and more experienced school and district leaders or teachers;

(vii) More frequent evaluation of novice school and district leaders or teachers as compared to more experienced school and district leaders or teachers that receive effective or highly effective performance evaluations for consecutive periods.

(d) Related to the school district leader and teacher evaluation and accountability system, the select committee

shall include a review of performance pay, which shall consider merit-based salary schedules, bonuses, incentive pay and differential staffing practices.

(e) In addition to subsections (c) and (d) of this section, the select committee shall study and provide recommendations on student and parental accountability, providing incentives and sanctions to promote increased student achievement, a review of existing statutes related to incentives fostering improved student performance, develop recommendations on training needs of school district boards of trustees and shall explore different approaches and methods of providing school district leader development.

**Section 7.**

(a) For the period commencing on the effective date of this section and ending June 30, 2014, unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii), shall be available for expenditure by the legislative service office. Additionally and

notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated monies appropriated from the school foundation program account to the attorney general under 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 015, for purposes of the school finance litigation law office, shall not revert on June 30, 2012 and shall be reappropriated for expenditure by the legislative service office for the period commencing July 1, 2012 and ending June 30, 2014. Expenditures of amounts appropriated and reappropriated under this section shall be for professional consulting expertise and other support necessary to carry out and execute the work of the select committee on statewide education accountability as required under this act. Professional consulting expertise may be retained by the legislative service office only upon approval of the management council, and the unexpended, unobligated amounts may be expended for contractual agreements between the council and professional consultants.

(b) For the period beginning upon the effective date of this section and ending June 30, 2014, seventy-five thousand dollars ($75,000.00) is appropriated from the unexpended, unobligated amounts appropriated to the

legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii) for necessary expenses of the select committee on statewide education accountability established under this act, as necessary to carry out this act.

(c) For the period commencing on the effective date of this section and ending June 30, 2014, up to seven hundred eighty-two thousand one hundred twenty-eight dollars ($782,128.00) is appropriated from the school foundation program account to the department of education to provide for the statewide administration of the standardized college readiness test in school years 2012-2013 and 2013-2014, covering English, reading, mathematics and science in grade ten (10), as required by W.S. 21-2-204(c)(ii)(B), as amended by section 1 of this act, and for the statewide administration of the standardized college entrance examination in grade twelve (12) and the expansion of this administration to include writing in grade eleven (11), all as required by W.S. 21-2-202(a)(xxx), as amended by section 1 of this act.

(d) For the period commencing on the effective date of this section and ending June 30, 2014, up to two hundred fifty thousand dollars ($250,000.00) is appropriated from the school foundation program account to the department of education to provide the necessary support to the state board of education in carrying out duties imposed upon the board by this act. This appropriation may be expended for acquisition of necessary professional consulting expertise. The department shall report expenditures of amounts appropriated under this subsection to members of the select committee on statewide education accountability, initially on or before December 1, 2012, and periodically thereafter until the amount appropriated is expended or the expenditure authority expires, whichever first occurs.

**Section 8.**

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

(b) Notwithstanding subsection (a) of this section, W.S. 21-2-304(a)(v)(B) and (E) and (b)(xv), 21-3-110(a)(xvii), (xviii) and (xix) and (b), 21-7-102(a)(ii)(A) and (B) and 21-7-110(a)(vii) are effective July 1, 2012.

(END)