

Draft Only  
Approval Pending  
**SUMMARY of  
PROCEEDINGS**



COMMITTEE ON STATEWIDE EDUCATION ACCOUNTABILITY

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**COMMITTEE MEETING INFORMATION**

October 22 and 23, 2013  
Room 302, State Capitol Building  
200 W. 24<sup>th</sup> St.  
Cheyenne, WY

**COMMITTEE MEMBERS PRESENT**

Senator Hank Coe, Cochairman  
Representative Matt Teeters, Cochairman  
Senator Bill Landen  
Senator Phil Nicholas  
Senator Chris Rothfuss  
Representative Mike Madden  
Representative Tim Stubson  
Representative Mary Throne (October 23, 2013)

**COMMITTEE MEMBERS NOT PRESENT**

Senator Jim Anderson (SD02)  
Representative Steve Harshman  
Representative Mary Throne (October 22, 2013)

**OTHERS LEGISLATORS PRESENT AT MEETING**

Representative Cathy Connolly  
Representative Bob Nicholas  
Representative Albert Sommers  
Representative Jerry Paxton  
Representative Sue Wilson

**LEGISLATIVE SERVICE OFFICE STAFF**

Dave Nelson, School Finance Manager  
Matt Willmarth, School Finance Analyst  
Tania Hytrek, Staff Attorney

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**OTHERS PRESENT AT MEETING**

Please refer to [Appendix 1](#) to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

**EXECUTIVE SUMMARY.**

The Select Committee on Statewide Education Accountability met to receive information from the Wyoming State Board of Education, the Wyoming Department of Education, and the National Center for Improvement of Educational Assessment on the Statewide Accountability System, including activities related to the administration and implementation of Phase I and II. In addition, the Committee received information related to Statewide Student Assessment System, multiple measures of assessment for graduation eligibility and district and community outreach activities.

**CALL TO ORDER.**

Co-Chairman Teeters called the meeting to order at 8:35.a.m. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 2](#) to review the Committee Meeting Agenda.

**APPROVAL OF MINUTES.**

Minutes from the September 10 and 11, 2013 Select Committee on Statewide Accountability meeting were approved without revision.

**PHASE I ACCOUNTABILITY SYSTEM.****Phase I System Model.**

Dr. Scott Marion, National Center for Improvement of Educational Assessment, and Dr. Mike Flicek, consultant for the Wyoming Department of Education, spoke to the Committee about the work of the Wyoming Department of Education and the Wyoming State Board in relation to Phase I as required by the Wyoming Accountability in Education Act. See [Appendix 3, Tab A and Appendix 4](#). Dr. Flicek discussed in detail the work of the Professional Judgment Panel and the results obtained from this work. Dr. Flicek spoke about the composition of the scores and the associated cut-scores. He noted the unique characteristics of alternative school and the scores of such schools under the model. Several members encouraged Dr. Flicek to explore options to address the anomalies associated with alternative schools. Dr. Flicek moved on to discussion of the reporting features of the model. He presented several examples of reports that can be generated by the model. Representative Madden inquired about participation rates and the rules governing this aspect of the model. Dr. Flicek responded that schools are very familiar with participation rates and that the rules governing this aspect were presented in several instances around the state for input and no comments were received on this aspect. Dr. Marion followed up with comments related to participation rates and the requirements under No Child Left Behind on this subject, noting schools that lacked the required participation rate would simply fail if the adequate participation rate was not reached. Senator Landen inquired about the number chosen for the participation rate, ninety-five percent (95%). Dr. Marion responded to the question and discussed the rationale for the participation rate chosen. Representative Stubson inquired about the communication plan for the results outside of school districts and the people directly involved in creation of the model. Dr. Flicek responded to the question, noting that he met with the editorial board of the Casper Star Tribune and the Wyoming Tribune Eagle to explain the activities surrounding creation of the model in response to the mandates associated with Phase I of the Wyoming Accountability in Education Act. Staff commented that the State Board will also address the issue of communication during another portion of the presentation. Representative Madden inquired about the frequency distribution of performance for the schools statewide. Dr. Flicek responded he would provide four tables of information to the Committee in response to the Representative's question.

**Professional Judgment Panel: Results and Process.**

Dr. Mike Beck outlined the activities of the professional judgment panel (PJP) in relation to Phase I of the requirements of the Wyoming Accountability in Education Act. See **Appendix 3, Tab B**. He noted the PJP met in Casper on September 16-18, 2013. The PJP comprised 29 members. He noted that he personally facilitated the discussion of the PJP, with support from Dr. Mike Flicek and Dr. Paige Fenton-Hughes. He stated the sessions were methodical and carried out for the purpose of standard-setting to determine the appropriate standards of performance for each school, with the primary goal being to implement the School Performance Rating Model. Dr. Beck indicated the primary activities of the PJP included recommending standards for the accountability system's performance indicators, making recommendations for school performance levels for all combinations of performance indicators and to reach an agreement on the wording for the school performance rating performance level descriptors. He noted performance indicators vary depending on the grades served by the school; for schools serving grades 3-8, indicators for achievement, growth and equity (via growth) are included; and for schools serving grades 9-12, indicators for achievement, readiness and equity (via gap) are included. In determining the performance indicator standards, Dr. Beck noted the panelists engaged in two rounds of anonymous, independent judgments for performance indicators. He stated the results and details as performed by the PJP, and as applied in the model, were presented in Dr. Flicek's report. Representative Stubson inquired about the composition of the PJP. Dr. Beck responded that in his opinion the group is a bit large and that he would recommend downsizing it for future activities. Dr. Fenton-Hughes supported this recommendation and requested the Committee consider providing some amount of flexibility with regard to the composition of the PJP. Chairman Teeters requested that the State Board make a recommendation for membership or changes if it has recommendations in this area and that the Committee will consider those recommendations in the future. Representative Stubson inquired about continuation of work of the PJP and if the work and expertise can be built within State, as opposed to convening a PJP. Dr. Marion commented that that he believes the role of the PJP will evolve over time and that at a certain point, it will be eliminated or serve in a very limited role. He noted the importance of not changing the standards to insure comparability over time. Dr. Marion did state that so long as the PJP continues, the role of Dr. Beck in facilitating the group is important. Representative Madden inquired about the dynamic of the PJP during its discussions. Dr. Beck outlined the nature of the discussions over the course of the 3 days and the dynamic of the group. He further stated that it is his opinion that the ACT as utilized in the high school model is too heavily weighted. He noted the purpose of the ACT does not include use in an accountability model for this population. Senator Rothfuss inquired about the necessity of the PJP for the appeal process and review function and requested the State Board provide comments on this subject if revisions are necessary.

Dr. Marion moved on to discussion of the ACT results and the anomalies of the scores that he discussed during the Committee's September meeting. He stated that he conferred with professional colleagues specializing in scale scores of the ACT and that it was their belief, that the anomaly as related to the scores is due to the use of one form of the test and that in other instances, states utilize multiple variations of the form of the exam and concluded that so long as a single form is utilized this issue will continue to be present. Dr. Deb Lindsey, Wyoming Department of Education, also commented on the issue, noting that in discussions with ACT, they indicated ACT was never intended for the purpose Wyoming has chosen to use it for within the Accountability Model. Dr. Fenton-Hughes confirmed that the State Board will provide recommendations regarding the composition of the PJP in the future. She also noted the necessity to tighten the process surrounding the operation of the PJP and their function.

**Statewide System of Support.**

Director Richard Crandall, Wyoming Department of Education, briefed the Committee on the efforts related to the statewide system of support. See **Appendix 3, Tab C**. He outlined the meeting scheduled for next week to begin discussion in relation to providing support services as required by the Wyoming Accountability in Education Act. Director Crandall noted the districts and vendors will be in attendance at the meeting to provide

input and that he welcomes input by the Committee regarding other interested parties that should be included in the discussion.

### **Phase I System Roll-Out.**

Director Crandall briefly discussed the Department's plan for publication of the model and results as required by the Wyoming Accountability in Education Act. **See Appendix 3, Tab D.** He noted the possibility and goal of creating a more user-friendly "dash board" for parents and teachers for information related to the model and other educational information. Senator Rothfuss inquired about the application of the Public Records Act in the context of student and school results under the Wyoming Accountability in Education Act. Director Crandall noted that information subject to the protections of the Family Educational Rights and Privacy Act and the Wyoming Public Records Act. Representative Stubson inquired about publication of the information for districts, teachers and the public. Director Crandall responded that the information will be presented on the Department's website.

### **DISTRICT MEASURES OF ASSESSMENT FOR STATEWIDE GRADUATION ELIGIBILITY CRITERIA.**

Dr. Fenton-Hughes summarized the State Board's work related to district measures of assessment for statewide graduation eligibility criteria. **See Appendix 3, Tab E.** She noted the statutory authority and applicable definitions and summarized the timeline associated with the activities related to this work. She discussed the work conducted during the Wyoming Thought Leader Meetings, which included defining a Wyoming graduate, establishing guiding principles, discussion of proposed models for secondary assessment and the advantages and disadvantages and the support systems necessary for each of the proposed models. Dr. Fenton-Hughes discussed the components of the proposed model, including an externally developed assessment and internal expertise at the Department to assist in this work. She noted the general requirements associated with educational opportunities in the state of Wyoming. Dr. Fenton-Hughes summarized the recommendations reached as a result of the Board's work, which include assurances to be given by districts for: 1) curriculum plan; 2) assessment plan; and 3) a way to determine high-school proficiency. In addition, she recommended the rules and regulations on this subject be revised to allow districts the ability to assess the content standards as appropriate and reduce the complexity of the requirements in this area. Lastly, the recommendations include completion of the work related to defining a Wyoming high school graduate. Dr. Fenton-Hughes moved on to discussion of statutory revisions as recommended by the State Board, which include revision to require the State Board to review district assessment systems every five years (as opposed to the annual requirement in current statute) and the ability to phase in new requirements for assessment systems by content area. Chairman Teeters inquired about the general process and usefulness of accreditation as conducted by an independent 3<sup>rd</sup> party or outside contractor. Dr. Fenton-Hughes responded to the question, outlining the process utilized to conduct this activity. Director Crandall summarized his discussions with Dr. Annette Bohling and her work related to national accreditation. He noted the new accreditation requirements that will be utilized by Advanced Ed and the scoring of all schools on a scale from one to four-hundred. Chairman Teeters expressed concern regarding use of national accreditation standards, particularly in light of districts and schools that are accredited with graduation rates of fifty-percent or less. Dr. Fenton-Hughes concluded this portion of her presentation with discussion of the overall goals related to district accreditation system, which would be to create a system that uses the inter-related pieces that already exist to reduce duplication, allow for local control, but ensures appropriate checks/measures to meet the state requirements.

### **MEETING RECESS**

The Committee recessed at 3:30 p.m. on September 10, 2013 and Co-Chairman Coe reconvened at 8:40 a.m. the following morning. Chairman Coe noted the availability of the opinion issued by the Wyoming Attorney General's Office on the issue of student data and privacy and the interplay of the Smarter Balanced Assessment Consortium (SBAC). **See Appendix 5.**

## STATEWIDE STUDENT ASSESSMENT.

Director Crandall discussed the statewide student assessment and the work conducted by the Department in this arena. He generally discussed the various options available to the state in moving forward with a statewide summative assessment and assessments that can be utilized in administration of the Wyoming Accountability in Education Act. Dr. Deb Lindsey discussed the attributions and costs associated with several options, including continuation of building an individualized assessment similar to that provided by ETS, participation in the SBAC or purchasing an off-the-shelf product. **See Appendix 3, Tab F.** Representative Stubson inquired about the results of the Northwest Evaluation Association (NWEA) assessments in providing a framework for national comparison. Dr. Lindsey responded to the Representative's question, noting that the ability for national comparison is limited with this assessment. She stated that as a participant of the SBAC, Wyoming will field test the assessment during the next school year. She further noted that the State's current vendor, ETS, is providing the psychometric services for SBAC and that amendment of the contract may be possible to provide a useful comparison between the SBAC field-test and the summative assessment as currently required by the State. Senator Landen inquired about purchasing portions of each of the assessments. Dr. Lindsey responded that typically vendors won't allow the purchase of just math or just reading. She further noted the difficulty of aggregating test results for individual students and the lack of comparability. Dr. Lindsey continued discussion of the SBAC, noting that she has preliminarily explored the option of paring with several surrounding states to gain economies of scale in administration of this assessment. She moved on to discussion of requirements associated with alternative and science assessments. Senator Rothfuss inquired about the continuation of the science via ETS for the science and alternative assessments. Dr. Lindsey responded her recommendation is that ETS continue to be utilized for the science assessment. She further noted the cost associated with this assessment is approximately three million dollars. Dr. Lindsey stated she does not recommend the State continue to utilize the services for an alternative assessment as provided by ETS; she concluded there are vendors that specialize in this area that she would prefer to see utilized for this assessment. Representative Stubson inquired about the cost difference noted in Appendix 3, Tab F (\$27.30 for SBAC as compared to \$76 for ETS), inquiring if it includes science in the \$76 per student for ETS. Dr. Lindsey responded the costs associated with the alternative and science assessments were eliminated from the comparison. She moved on to discussion of the timeline and activities necessary for future assessment activities. Director Crandall also discussed the options available to the State, particularly he noted the necessity to move forward with activities for the assessment in 2014-15. He supported the possibility of amending the current ETS contract for the 2014-15 assessment, recognizing that SBAC will be field tested in Wyoming. Representative Madden inquired about the data protections associated with SBAC. Senator Landen commented that the opinion noted by the Chairman discusses this issue, and that it is his impression that significant protections are provided by federal and state law. Representative Stubson inquired about the nature of the information presented and the timeline. He inquired if statutory changes will be necessary to move forward with a different assessment. Director Crandall responded to the question, noting that moving to any other assessment, than the assessment currently administered, will require statutory changes. He noted his concern with the lack of availability of constructed response items in the summative assessment. Co-Chairman Teeters stated that without statutory change, the assessment as currently administered will be required by law and administered by the Department. Dr. Lindsey commented on the issue, noting that it is too late to make substantive changes to the assessment to be administered in 2015 and that statutory changes would not be necessary until after the 2014 legislative session. She further stated that her goal is to provide the Committee with information related to the issue and explore the various options available. Representative Madden suggested a motion to table the discussion until the next meeting. Senator Nicholas commented that he would like to receive public testimony prior to hearing any motion and summarized the options presented by the Department. He also requested additional information related to pilots and the options available and the interplay between the 2014-15 assessment administered by ETS as currently required by the law and the transition to SBAC. Co-Chairman Teeters requested additional information be provided to the Committee on the options available through ACT.

Chairman Coe commented that he would like to further explore the privacy issues associated with SBAC and assessment.

#### **14LSO-0160.W1**

Senator Landen discussed his proposed draft related to educational data and security. See **Appendix 6**. The Committee engaged in substantial discussion of education data privacy, the Wyoming Public Records Act, and the Family Education Rights and Privacy Act and the October 22, 2013 opinion issued by the Wyoming Attorney General on this issue. Senator Landen further commented that he would entertain an amendment to include prohibition on the sale of educational and student records in light of concerns expressed by the public and Representative Wilson. See **Appendix 6A**. Chairman Coe indicated the legislation will be tabled until the next meeting. Senator Landen stated he was not seeking Committee sponsorship of the draft, but wanted to inform the members of the existence of the draft and welcomed other input on the contents of the draft.

#### **14LSO-0134.W1**

Senator Rothfuss discussed his proposed draft related to creation of a task force to study data privacy at a statewide level. See **Appendix 7**. He noted he was not seeking support of the Committee for introduction of the proposed legislation, but the presentation is an informational piece. Senator Nicholas expressed concern regarding the complexity of the study and privacy issues and requested staff research the existence of a model privacy law that may be applicable in the discussion at hand.

#### **14LSO-0124.W2**

Senator Landen explained the draft legislation to clarify the authority of the state, through the State Board of Education and school districts in relation to proposal that would increase federal oversight. See **Appendix 8**. Several members commented on the draft legislation. Co-chairman Coe stated further discussion related to the bill will be postponed until the next meeting.

### **PUBLIC COMMENT**

Erin Geving, private citizen, commended the Committee of its careful consideration of the issues presented over the course of the day related to student privacy. Mrs. Geving commended the process adopted by ETS in allowing participation of many stakeholders.

Cynthia McKee, private citizen, commended the Committee on its careful consideration of the issues as presented to the Committee over the course of the day. She spoke specifically about the cost related to SBAC as compared to ETS, noting that a through cost analysis has not been conducted. Mrs. McKee cited to broadband, professional development, technology and other costs associated with administration of the SBAC that have not been vetted. She also cited to concerns regarding data privacy and the agreement between the U.S. Department of Education and SBAC and supported the creation of a task force to explore this issue. Mrs. McKee noted that she would like an answer to the following questions: can a parent opt out of providing data regarding the performance of their child to the federal government under SBAC and 2) what data elements specifically will be collected by SBAC.

Brian Knox, Administrator, Campbell County School District No. 1, spoke to the Committee about the pilot of the Wyoming Educational Accountability Act, specifically he expressed concern regarding the writing assessment and the delay in receiving the results from the statewide summative assessment. Mr. Knox advocated for moving towards the SBAC as soon as possible.

### **WYOMING DEPARTMENT OF EDUCATION / STATE BOARD DISTRICT / COMMUNITY OUTREACH AND INFORMATION SESSIONS.**

Dr. Paige Fenton-Hughes briefed the Committee on the community outreach and informational sessions that are being conducted by the Department and the State Board in relation to Phase I of the Wyoming Accountability in

Education Act. **See Appendix 3, Tab G.** She outlined the various organizations, districts and entities that attended the summits; noting 26 of the 48 school districts statewide were represented, as well as St. Stephen's Indian School and the Wyoming Boys' School. Dr. Fenton-Hughes discussed the method utilized by the Department and the State Board in responding to questions or concerns raised at the various meetings. She noted that each comment was responded to either via email or verbally at the second meeting in the same location. Dr. Mike Flicek stated during the second set of meetings district administrators and personnel were very interested in the performance of their districts and inquired when results could be expected. Senator Landen inquired if the question was posed during the meetings if the system will prompt teacher practices to change to improve student performance. Doctors Flicek and Fenton-Hughes responded to the question, noting that at least in one instance a similar discussion was held, and the administrator thought the results of Phase I will be useful in changing teaching practices.

### **UPDATE ON PHASE II, TEACHER/LEADER ACCOUNTABILITY SYSTEM.**

Dr. Scott Marion, NCIEA, provided a detailed report on the work conducted by the Advisory Committee in relation to Phase II (Teacher/Leader Accountability) as required by the Wyoming Accountability in Education Act. **See Appendices 9, 10 and 11.** Dr. Marion noted the initial focus of the evaluation will be for principals and assistant principals. He further stated the Advisory Committee recognizes the need for evaluating central office personnel, but believes this is within the purview of local boards currently. Dr. Marion outlined the standards recommended by the Advisory Committee in creation and administration of the leader effectiveness model. He discussed the data collections recommended by the Advisory Committee in administration of this aspect of the system. Senator Rothfuss inquired about the use of a master teacher in districts in which they are not employed to perform the evaluations to ensure meaningful results. Dr. Marion responded to the question. In addition, Mr. Tony Anson commented that in his experience, teachers are wary of critiquing and evaluating the practices of each other. Dr. Marion noted the necessity for a cultural shift in this regard. Mrs. Janine Bay-Teske spoke to the Committee about the practices implemented by Pam Shea and James Bailey termed "cell training" which is similar to the medical profession and "rounds" conducted by physicians. She stated she was supportive of this approach, noting it was her opinion that it will lead to improved teaching practices and student results. Mr. Ken Decaria, Wyoming Education Association, commented that there are several models that might be useful in this work, but cautioned the Committee in using instructional facilitators for the purpose of evaluation for fear of chilling the discussion between the facilitator and teachers. Dr. Marion outlined the next steps of the Advisory Committee in the work prior to the Select Committee's final meeting in December, which includes articulation of performance level descriptors, aggregation of evidence, determining final ratings, identification of supports and consequences and assuring coherence with the educator evaluation system.

Dr. Karla Egan, NCIEA, spoke to the Committee about her review of 360 evaluation system as requested by the Committee at its prior meeting. **See Appendix 10.** She outlined her approach to the issue and her findings, noting it is utilized largely in the medical field and that 360 evaluation is one type of a multisource feedback evaluation system. Dr. Egan noted her recommendations in light of review of the information and research on the subject; concluding this system is costly, requires a climate shift and extensive training. She noted the limited availability of research in the application to the K-12 system and the lack of clarity regarding sustained change with implementation of this program.

### **PUBLIC COMMENT**

Mr. Bill Winney, private citizen, spoke to the Committee about his experience in the military in relation to evaluation systems and suggested the Committee consider adding a preamble or guiding principles in relation to utilization of evaluation systems that articulates the intended use of the results prior to adoption.

Mrs. Marguerite Herman, private citizen, spoke to the Committee about teacher and leader evaluation and the necessity of a cultural shift to accept this notion. She noted the importance and impact of building leadership in

teacher quality and building climate. Mrs. Herman supported the efforts of the Committee and stated she is looking forward to the change in Wyoming's education.

Mrs. Janine Bay-Teske, Trustee, Teton County School District #1, spoke to the Committee about utilization of the 360 evaluation system and the substantial human resources necessary for administration of such a system.

**MEETING ADJOURNMENT**

There being no further business, Co-chairman Coe adjourned the meeting at 11:30 am.

Respectfully submitted,

Senator Coe, Co-Chairman

# Committee Meeting Materials Index

Appendix	Agenda Item	Appendix Description	Appendix Provider
1	Committee Sign-In Sheet	Lists meeting attendees	Legislative Service Office
2	Committee Meeting Agenda	Provides an outline of the topics the Committee planned to address at meeting	Legislative Service Office
3	Phase I Accountability System.	The Report of the Wyoming State Board of Education and the Wyoming Department of Education to the Select Committee on Statewide Education Accountability.	The Wyoming Department of Education and the Wyoming State Board of Education
4	Phase I Accountability System.	Power point: Wyoming School Performance Rating Model, Report to Select Committee on School Accountability, October 22, 2013	Dr. Michael Fliccek, Education Consultant
5	Statewide Student Assessment	Opinion: Office of the Attorney General to Senator Hank Coe and Representative Matt Teeters, October 22, 2013.	Wyoming Attorney General's Office
6	Statewide Student Assessment	Draft Legislation: 14LSO-0160.W1	Legislative Service Office
6A	Statewide Student Assessment	Proposed Amendment for Draft Legislation: 14LSO-0160.W1	Legislative Service Office
7	Statewide Student Assessment	Draft Legislation: 14LSO-0134.XX	Legislative Service Office
8	Statewide Student Assessment	Draft Legislation: 14LSO-0124.W2	Legislative Service Office
9	Phase II, Teacher/Leader Accountability System	Power point: Reviewing the Wyoming State Educator Support and Evaluation System, Wyoming Select Committee on Education Accountability, Center for Assessment, October 23, 2013	Dr. Scott Marion and Dr. Karla Egan, Center for Assessment
10	Phase II, Teacher/Leader Accountability System	White paper: The Use of "360 Feedback" K-12 Education: A Brief Summary of the Literature, October 15, 2013	Dr. Scott Marion and Dr. Karla Egan, Center for Assessment
11	Phase II, Teacher/Leader Accountability System	Draft Report: The Wyoming State Model Leader and Educator Support and	Dr. Scott Marion and Dr. Karla Egan, Center for

Evaluation Systems, The Wyoming  
Advisory Committee to the Select  
Education Accountability Committee,  
October 14, 2013

Assessment