

ENROLLED ACT NO. 55, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2016 BUDGET SESSION

AN ACT relating to statewide student assessment; modifying the statewide student assessment requirements; requiring administration of the statewide student assessment in specified grades and subjects; requiring the statewide student assessment system to include interim assessments as specified; eliminating the requirement for school districts to administer common benchmark adaptive assessments; clarifying administration of the college entrance examination; replacing the job skills assessment with a career readiness examination as specified; eliminating administration of the college placement assessment; conforming phase I school accountability requirements; conforming phase II effective date; requiring reports; requiring studies; continuing the operation of the select committee on statewide education accountability; continuing the operation of the advisory committee; appropriating funds; and providing for effective dates.

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

**Section 1.** W.S. 21-2-202(a)(xxx), 21-2-204(c)(i), (ii)(intro), (A)(I), (II), (iv) and (vii), 21-2-304(a)(iv), (v)(B) through (E) and by creating new subparagraphs (J) and (K) and 21-3-110(a)(xxiv) and (xxix) 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:

(xxx) Effective school year ~~2012-2013~~ 2017-2018 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a

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standardized, ~~curriculum based, achievement~~ college entrance examination, ~~computer adaptive college placement assessment and a job skills assessment test~~ and a career readiness examination selected by the state superintendent to all students in the eleventh and twelfth grades throughout the state in accordance with this paragraph. The examinations ~~and tests~~ 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 all students in grade eleven (11). The ~~jobs skills assessment test~~ career readiness examination shall be optional for all students in grade eleven (11) or twelve (12). ~~and 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, ~~the computer adaptive college placement assessment~~ and the ~~jobs skills assessment test~~ career readiness examination and shall schedule a day or days during which examinations shall be provided. The date or dates for statewide administration of the college entrance examination in grade eleven (11) and the career readiness examination shall be established by the state superintendent in a manner that best meets the needs of students and school districts. ~~The computer adaptive college placement assessment shall be optional and all students in grade twelve (12) shall be provided at least one (1) opportunity to take the assessment during the school year.~~ The state superintendent may enter into agreements with an administrator of the college entrance examination and the ~~computer adaptive college placement assessment~~ and an administrator of the ~~jobs skills assessment test~~ career readiness examination and adopt rules as necessary to ensure compliance with any

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requirements of an administrator, such as a secure environment. ~~Waivers may be granted for the examinations and tests required by this paragraph for students with disabilities in accordance with the provisions of the federal No Child Left Behind Act of 2001 and the federal Individuals with Disabilities Education Act.~~ Alternate assessments and accommodations shall be offered by the state superintendent in accordance with rule and regulation;

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

(c) School level performance 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~~ English language arts and mathematics as measured by assessments administered under paragraph (ii) of this subsection, beginning in grade four (4);

(ii) Student academic achievement in ~~reading~~ English language arts, mathematics and science as measured by:

(A) The statewide assessment administered under W.S. 21-2-304(a)(v) in:

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(I) ~~Reading~~ English language arts and mathematics in grades three (3) through ~~eight (8)~~ ten (10);

(II) Science in grades four (4), ~~and~~ eight (8) and ten (10);

(iv) Readiness, as defined by a standardized ~~achievement~~—college entrance examination administered pursuant to W.S. 21-2-202(a)(xxx) in grade eleven (11), together with a readiness indicator defined by a series of student eligibility data reports generated under the Hathaway student scholarship program established by W.S. 21-16-1301 through 21-16-1310, with school level results aggregated according to a procedure in which values and weights determined by a deliberate method are tied to specified definitions of post secondary readiness;

(vii) Equity as defined by a measure of academic student growth for nonproficient students in reading English language arts and mathematics, subject to a standard for academic progress that is linked to attainment of proficiency within a reasonable period of time. If a school is without a sufficient sequence of assessment scores to support growth computations, another approach to equity may be used subject to approval of the state superintendent.

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

(a) The state board of education shall:

(iv) ~~Effective school year 2013-2014, and each school year thereafter, require district administration of common benchmark adaptive assessments statewide in reading and mathematics for grades one (1) through eight (8) in~~

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~~accordance with W.S. 21-3-110(a)(xxiv). The board shall also establish,~~ In consultation with local school districts, establish requirements for students to earn a high school diploma as evidenced by course completion and as measured by each district's assessment system prescribed by rule and regulation of the state board and required under W.S. 21-3-110(a)(xxiv). Once every five (5) years and on a staggered basis, the state board shall through the department, review and approve each district's assessment system designed to determine the various levels of student performance as aligned with the uniform state standards and the attainment of high school graduation requirements as evidenced by course completion. In addition and following review, refinement and revision of student content and performance standards adopted under paragraph (a)(iii) of this section and reviewed under subsection (c) of this section, the board shall establish a process to ensure district assessment systems are aligned with the refined and revised standards within three (3) full school years following adoption of revised standards;

(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 performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of

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

(B) Effective school year ~~2012-2013~~ 2017-2018, and each school year thereafter, be administered in specified grades aligned to the student content and performance standards, specifically assessing student performance in ~~reading~~ English language arts and mathematics ~~at~~ in grades three (3) through ~~eight (8)~~ ten (10). In addition, the statewide assessment system shall assess student performance in science in grades four (4), ~~and eight (8)~~ and ten (10);

(C) ~~In addition to subparagraph (a)(v)(B) of this section,~~ Measure student performance in Wyoming on a comparative basis with student performance ~~nationally in other states~~;

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section and by school year ~~2015-2016~~ 2018-2019, link student performance and progress to school and district leaders, including superintendents, principals and other district or school leaders serving in a similar capacity. The assessment system shall ensure the student performance measurements used at each grade level are valid for the purposes for which they are being used, including valid year-to-year comparisons of student and school level results, and shall be sufficient to produce necessary data to enable application of measures of performance indicators as required under W.S. 21-2-204;

(E) ~~Use only multiple choice items to ensure alignment~~ Include interim assessments aligned to the statewide content and performance standards and the

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statewide summative assessment. The interim assessments required by this subparagraph shall be optional for school districts to administer as a part of the district assessment system. The state board shall ensure results from the optional interim assessments are provided to school districts as soon as possible after completion of an interim assessment. All item types used on the statewide student summative assessment shall be included in interim assessments to the extent practical within the reporting timeline;

(J) Require no more than one percent (1%) of the total pupil-teacher contact time, as defined by the state board for each school year, for student participation in a nonaccommodated administration of the statewide summative assessment. The statewide summative assessment shall be administered as late as practical in the instructional year and shall be administered to allow for the return of results in sufficient time for schools and districts to utilize the results for improvement strategies. To the extent possible, the statewide summative assessment shall be administered utilizing an online platform;

(K) Include a reporting system utilizing best practices to ensure useful, high quality and transparent reports to support improvement strategies.

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

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

(xxiv) ~~Establish~~Adopt a student assessment system to measure student performance relative to the

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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)(vi), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. Components of the district assessment system required by this paragraph shall be designed and used to determine the various levels of student performance in all content areas of the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b). The district shall report to the state board in accordance with W.S. 21-2-304(a)(iv) on its assessment system established adopted under this paragraph; ~~Beginning school year 2013-2014 and each school year thereafter, a component of the district assessment system shall include common benchmark adaptive assessments for reading and mathematics in grades two (2) through eight (8), common to all districts statewide, administered at least two (2) times during any one (1) school year and administered once in grade one (1). An additional component of the district assessment system shall continue the longitudinal study of summer school program effectiveness which uses a single common benchmark adaptive assessment in reading and mathematics administered for summer school and extended day intervention and remediation programs in accordance with W.S. 21-13-334(h)(iv);~~

(xxix) Beginning in school year 2012-2013 2017-2018, and each school year thereafter, administer a program where all students enrolled in the eleventh and twelfth grades in the district shall be required to take or be provided the opportunity to take, on a date or dates specified by the state superintendent, a standardized,

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~~curriculum based, achievement~~ college entrance examination,  
~~a computer adaptive college placement assessment or for~~  
~~students enrolled in eleventh or twelfth grade, a jobs~~  
~~skills assessment test~~ or a career readiness examination 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 and twelfth grades  
and residing within the district to take the examinations  
~~or for students in the eleventh or twelfth grade, the jobs~~  
~~skills assessment test,~~ at no cost to the student on the  
same date or dates administered to all eleventh and twelfth  
grade public school students in the state. The results of  
the examinations ~~or jobs skills assessment test taken~~ may  
be included in each student's transcript;

**Section 2.** W.S. 21-2-204(c)(iii) is repealed.

**Section 3.**

(a) Notwithstanding any other provision of law, the  
select committee on statewide education accountability as  
created by 2011 Wyoming Session Laws, Chapter 184, Section  
4 shall continue through December 31, 2018, as necessary to  
carry out duties associated with the Wyoming Education in  
Accountability Act and this act. 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. Members of the select committee shall be  
appointed as provided by 2011 Wyoming Session Laws, Chapter  
184, Section 4(b) to serve on the select committee through  
December 31, 2018. Select committee members shall receive  
compensation, per diem and travel expense reimbursement in  
the manner and amount prescribed under W.S. 28-5-101.  
Payment shall be from amounts appropriated under section

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6(b) of this act. The appointing authority for any member who vacates membership shall fill the vacancy.

(b) Notwithstanding 2015 Wyoming Session Laws, Chapter 179, Section 4(b), the advisory committee shall continue to exist and shall assist the select committee on statewide education accountability as the select committee deems necessary through December 31, 2016. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(d), as amended by 2013 Wyoming Session Laws, Chapter 195, Section 3, shall continue to serve on the advisory committee. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed or serving on the advisory committee who 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 to state employees under W.S. 9-3-103. Payment shall be from amounts appropriated under section 6(b) of this act.

(c) The legislative service office shall staff the advisory committee. The department of education and other state agencies shall provide information and other assistance as requested by the select committee on statewide education accountability or the advisory committee. The legislative service office may retain consultants as necessary to staff and advise the select committee in executing the responsibilities prescribed by this act. Prior to the legislative service office contracting with any consultant to assist the select committee on statewide education accountability, a vote of the select committee members shall be taken. The management council may expend funds appropriated by the legislature for approved contractual agreements between the council and

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professional consultants on behalf of the select committee on statewide education accountability.

**Section 4.**

(a) The state board of education, through the state superintendent, shall commence development of a statewide student assessment system meeting the minimum requirements of W.S. 21-2-304(a)(v), as amended by section 1 of this act, and any applicable federal law in sufficient time for administration during the 2017-2018 school year.

(b) In drafting a request for proposal (RFP) to commence development and implementation of a statewide student assessment system, as required by subsection (a) of this section, to the extent practical, the state board of education, through the state superintendent, shall utilize the recommendations contained in the report submitted by the Wyoming assessment task force to the select committee on statewide education accountability dated October 15, 2015, pursuant to 2015 Wyoming Session Laws, Chapter 179, Section 6.

(c) At least thirty (30) days prior to issuing a RFP to commence development and implementation of a statewide student assessment system required by subsection (a) of this section, the state board shall submit the proposed RFP to the select committee on statewide education accountability.

(d) Notwithstanding any other provision of law, for school year 2016-2017 only, the administration of the statewide student assessment for grades nine (9) and ten (10) required under W.S. 21-2-204 and 21-2-304(a)(v) shall include the ability to utilize constructed response items.

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**Section 5.**

(a) The state board of education, through the state superintendent, shall convene committees of assessment specialists, including district personnel, as necessary, to review the recommendations contained in the report submitted by the assessment task force pursuant to 2015 Wyoming Session Laws, Chapter 179, Section 6.

(b) The committees shall determine the appropriate application or modification of the recommendations contained in the report regarding specialty assessments, including but not limited to alternative assessments for students with significant cognitive disabilities, English language proficiency assessments, early literacy assessments, career technical and kindergarten through grade two (2) education assessments.

(c) Not later than September 30, 2016, the state board shall report any recommendations related to the specialty assessments, together with any recommended statutory revisions, to the select committee on statewide education accountability.

(d) The select committee on statewide education accountability shall report findings and recommendations to the legislature for consideration during the 2017 general session, including any necessary enabling legislation.

**Section 6.**

(a) For the period beginning upon the effective date of this section and ending June 30, 2017, ten thousand dollars (\$10,000.00) is appropriated from the school

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foundation program account to the state board of education to provide support and administration of the specialty assessment committees required under Section 5 of this act. This appropriation may be expended for per diem and other expenses of the committees. Any member appointed or serving on a committee who 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 to state employees under W.S. 9-3-103. Notwithstanding any other provision of law, the appropriation under this subsection shall not be transferred or expended for any purpose other than specified in this subsection. Any unexpended, unobligated funds remaining from the appropriation under this subsection shall revert as provided by law on June 30, 2017. Not later than December 31, 2016, the state board shall report expenditures of amounts appropriated under this subsection to the select committee on statewide education accountability.

(b) For the period beginning upon the effective date of this act and ending June 30, 2018, seventy thousand dollars (\$70,000.00) is appropriated from the school foundation program account to the legislative service office for necessary expenses of the select committee and the advisory committee as continued under section 3 of this act, as necessary to carry out duties associated with the Wyoming Education in Accountability Act and this act.

**Section 7.**

(a) Except as provided by subsections (b) and (c) 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

ORIGINAL HOUSE  
BILL NO. HB0019

ENGROSSED

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Constitution.

(b) Section 1 and Section 2 of this act are effective July 1, 2017.

(c) In the event the provisions within 2016 SF0032, as introduced, to continue the operation of the select committee on statewide education accountability fail to be enacted, Section 3(a) and Section 6(b) of this act are 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.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk