

# Education Dominant Topic at 2011 Legislative Session

To say that education was the dominant topic of the 2011 legislative session seems to be putting it mildly. In addition to the five year look at school funding recalibration, the legislature also discussed school and teacher accountability, continuing contract status for teachers, the use of cameras in the classroom, and setting up a lottery to help fund education. WEA ended up actively supporting, opposing, or monitoring over 50 bills that related directly or indirectly to children or education.

Even with the multiple challenges that your WEA lobby team faced in this session, the overall outcome was a success. On the following pages is a summary of the action on legislation we supported or opposed. One of those successes was stopping the repeal of the continuing contract law. Senate File 52 (Teacher Tenure) would have removed protections that keep educators from being fired for bad reasons.

Instead, WEA supported Senate File 146 (Teacher Accountability Act). This bill requires yearly evaluations that must be based in part on student growth measures. It also requires clear standards for satisfactory and unsatisfactory performance. In addition, it adds to the reasons for termination or suspensions the failure to perform satisfactorily, inadequate performance on an evaluation tied to student academic growth and any other good or just cause relating to the academic process. It does all this while leaving continuing contract in place.

We monitored House Bill 127 (School Finance Recalibration) which is the mandated look at the school funding model that must be done every five years. This is the bill that decides how resources will be allocated to school districts for the next five years. Funding in this bill was basically kept stable, but it did include some changes. The early reading screening program was expanded to include K-3. It also provides funding for the employer share of the increased retirement contribution. It was amended to mandate that K-3 classrooms have student teacher ratios of 16:1 unless they receive a waiver from the Department of Education for any district that demonstrates insufficient school facility capacity, positive school performance, and positive student achievement or for other reasons related to the delivery of the education program to students. The 16:1 ratio will not apply to charter schools.

While this session dealt with many issues that were important to education, it set the stage for much more work to be done in the interim. Senate File 70 (Education Accountability) sets up a select committee comprised of five Senators and five Representatives. This committee will review, study and make recommendations on school accountability. They also

will look at rewards and sanctions tied to the plan they design. This committee is expected to meet once a month starting in April.

The Joint Education Committee will also be meeting in the interim to look at block grant model monitoring, a review of the regional cost adjustment, and extending the minimum school year. In addition they will receive reports regarding students awarded Hathaway scholarships.

In addition, the Joint Appropriations Committee will continue to study the Wyoming Retirement System. They will focus on cost of living adjustments (COLAs) to the retirement system and how best to address if and how to fund them. This is a continuation of work this committee has been looking at for a while.

We may be calling on you to help provide information to legislators who serve on these committees to help them make these important decisions. It is important for legislators to know how their decisions affect education.

Thanks to everyone who helped us lobby this year! Our Association would not have been able to achieve what we did without your help. Together, we made a positive difference.



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# Summary of 2011 Legislative Bills Supported or Monitored

## **HB0013—Hathaway success curriculum-2.**

Leaves all statutory requirements for the Success Curriculum intact.

## **HB0127—School finance recalibration.**

- WDE must establish criteria & guidelines for the collection, storage, management & reporting of data in a single repository. PTSB is required to provide data elements collected from certified educators to WDE.

- The block grant model must be made available for public inspection in electronic format in a protected version.

- The early reading screening program is amended to encompass grades K-3. The reading assessment will no longer be devised by local districts, but instead will be a statewide assessment approved by WDE in order to provide statewide longitudinal data. The program must also include a plan for implementing research-based core curricula & evidence-based interventions.

- Modifies foundation account payments and recapture schedules and advance payments.

- Requires each district to maintain an average student-teacher ratio of not more than 16:1 for the aggregate of all classes K-3 in the district in the preceding SY, unless waived by WDE. Waivers can be granted annually for insufficient school facility capacity, positive school performance, positive student achievement, or other reasons related to education program delivery. Does not apply to charter schools.

- Makes various adjustments to the block grant funding model; original proposed cuts to transportation funding were restored to 100%. In order to maintain cost-based resourcing between recalibration periods, requires annual reporting & monitoring of actual district use of model funds & integrity of the model.

- Prohibits the use of a district's foundation funding for conducting random drug testing without prior approval of the student's parent.

- Funding for Instructional Facilitators is limited to 60%/FTE.

## **SF0016—School facilities-adequacy assessment.**

The School Facilities Commission's (SFC) annual evaluation of school buildings

& facilities and the needs prioritization list would now specifically take into consideration appropriate & up-to-date standards for air quality, illumination, & appropriateness of the student environment, as established by commission rule & regulation.

## **SF0038—School athletics safety.**

Requires the State Supt. to develop model protocols for addressing risks associated with concussions & other head injuries resulting from athletic injuries. No district is required to adopt any part of the model protocols, but must adopt & implement, in school year 2011-12, protocols to address head injuries and concussions from athletic injuries; the protocols must include training of coaches & athletic trainers in recognizing symptoms of such injuries; restrictions concerning student participation in athletics after suffering such an injury; & a means for providing information on such injuries & restrictions to parents & students.

## **SF0070—Education accountability.**

Establishes the Statewide Education Accountability System.

- Phase 1 is a school-based system beginning in SY 2011-12. Core indicators of student performance for Phase 1 will be year-to-year school-level performance changes on PAWS reading in grades 3 thru 8 and 11; performance-level designations would be "Positive Progress," "Performance Level Unchanged," or "Negative Progress," and additional secondary school level outcomes, defined as a standardized, curriculum-based college readiness test in grade 8 covering English, reading, math & science, & a standardized, curriculum-based college entrance exam in grade 11 covering English, reading, math & science.

- Beginning in SY 2013-14, any school that doesn't meet the targets will be subject to the following: Yr. 1 of not meeting targets—the school district must report to WDE the cause it has identified for that school's failure to meet the targets & provide a Performance Acceleration Plan. Yr. 2 and beyond—WDE must designate a technical assistance team to develop turn-around strategies for the under-performing school. In addition, the State Board of Ed. shall use the accountability information in determining the school's accreditation status.

- Beginning in SY 2013-14, for each school meeting the targets, the district will receive the foundation

funding guarantee without any expenditure restrictions or interference imposed at the state level.

- Requires a statewide system for providing periodic, uniform reporting on the progress of state public ed. achievement compared to established targets. Effective SY 2012-13, requires districts to report individual student benchmark scores, tied to teachers, schools & districts. WDE will establish data systems linking student achievement with teachers of record & relevant school principals.

- Removes the writing component from PAWS. Instead, WDE must develop an authentic writing assessment as part of the state summative assessment which is limited to 1 writing prompt. The Select Committee must review it before adoption.

- Removes open-ended testing in PAWS & instead makes it multiple choice testing. Effective SY 2012-13, through benchmark adaptive assessments administered not less than twice/yr. by school districts as a component of the district assessment system, establish statewide standards for the assessment of student growth in math & reading for all students in grades K-8. Assessment scores must be reported to WDE, including appropriate linkages to teachers & schools in the district.

- BOE (Body of Evidence) will end by the start of SY 2012-13.

- Each school district board must require the performance of each school principal to be evaluated by the district supt. in accordance with the Statewide Ed. Accountability System, & the board must provide the State Board with written reports verifying principal performance & providing performance scores necessary for continued employment.

- A Select Committee on Statewide Ed. Accountability is to be created (comprised of 5 members each from the Senate & the House), which will review, study, & make recommendations regarding the results of Phase 1 & will study expansion of the system into Phase 2. The Committee will be assisted by an Advisory Committee comprised of educators and business representatives. Among other things, the Select Committee's review of the statewide assessment system must

# Legislative Bills Continued (Page 5)

consider the use of end-of-course exams as a component of the state assessment system. Phase 2 will be based on instructional practice & the development of data necessary to establish the effectiveness of classroom teachers, school principals & district administrators in improving student achievement. Requires the Select Committee to consider merit/performance-based pay methodologies as a possible component of Phase 2, as well as to include recommendations on student & parental accountability providing incentives & sanctions promoting increased student achievement.

- Requires WDE to pilot the benchmark adaptive assessment during SY 2011-12; assessment results from the pilot will be used to establish student achievement level alignment with the statewide summative assessment & student performance target levels for implementation in SY 2012-13. Requires WDE to develop a statewide, multiple-choice, standardized assessment that meets the minimum requirements of ESEA & provides assessment results to teachers & schools within the school year of assessment. WDE is also required to review the BOE requirement & provide an alternative.

- The Select Committee must develop recommendations addressing training needs of local school board members.

## **SF0101—Hathaway student scholarship program.**

Extends the use of the Hathaway Scholarship for WY community college (CC) students who have attended a WY CC for 4 full-time semesters & have earned a certificate or degree or sufficient credits to be eligible to enroll in a program offered by a CC that leads to a professional degree. Requires UW & the CC Commission to report to JEIC & JAIC on the following with respect to students awarded Hathaway scholarships: remediation requirements for Hathaway scholarship recipients; recommendations for improving student completion data; & a description of support services available to students requiring remediation, data on program effectiveness, & recommendations for improvement.

## **SF0146—Teacher accountability act.**

Creates the Teacher Accountability Act. Requires annual teacher evaluation based in part on defined student academic growth measures & data

tied to the teacher of record, with clear standards established by the State Board for satisfactory & unsatisfactory performance. There must be reasonable opportunity for the district to provide mentoring & other professional development activities for teachers performing unsatisfactorily, which are designed to improve instruction & student achievement. By April 15 each year, the district supt. must provide a report to the school board that identifies all district teachers whose performance, thru evaluations that include student achievement measures, has been determined inadequate or unsatisfactory for that school year, including a summary of mentoring & other professional development activities made available to the identified teachers to improve instruction & student achievement. The school board must annually file a report with WDE, certifying compliance.

Adds to the statutory definition of a continuing contract teacher the condition of having received satisfactory evaluations during the 3-year initial contract period. Repeals the authority of districts to provide continuing contract status without regard to the number of years of service. Subject to satisfactory evaluations, a continuing contract teacher is employed on a continuing basis without annual contract renewal.

Gives more definition to/clarification of "suspension w/pay" (done by the supt. pending an investigation, within 30 days, of the alleged misconduct and final board action) and "suspension without pay" (done by the school board for up to 1 year, following the outcome of a hearing). Adds the following as additional acceptable reasons for termination, suspension or dismissal: physical incapacity to perform job duties even with reasonable accommodation; failure to perform satisfactorily; inadequate performance on evaluation tied to student academic growth; conviction of a felony; & any other good or just cause relating to the educational process; also gives more definition to "immorality." The conditions of this act would affect contracts in place on or after 7/1/12, regardless of prior teacher employment in WY.

The Select Committee on Statewide Ed. Accountability will study the use of the statewide accountability system for use in annual teacher evaluations, & will also recommend changes to the Teacher Accountability Act, "which will provide a consistent, reliable and clearly defined evaluation process to measure teacher performance based upon growth in student performance."

## **The following bills failed sometime during the Legislative process**

**HB0052—Charter school restriction.** (WEA opposed.)

**HB0072—Teacher merit pay.** (WEA supported.)

**HB0120—Public meetings.** (WEA supported.)

**HB0121—Public records.** (WEA supported.)

**HB0144—School district bonds.** (WEA supported.)

**HB0161—Interstate compact on students of military families.** (WEA supported.)

**HB0166—School districts-teacher evaluations.** (WEA opposed.)

**HB0168—School district reorganization.** (WEA opposed.)

**HB0182-Student assessment measures.** (WEA supported.)

**HB0192-School finance-ELL programs.** (WEA supported.)

**HB0196—Dual credit access payments.** (WEA supported.)

**HB0227—Education constitution instruction.** (WEA supported.)

**SF0052—Teacher tenure.** (WEA opposed.)

**SF0071—Education-hunter safety courses.** (WEA supported.)

**SF0114--Teacher evaluations.** (Camera Bill) (WEA opposed.)

**SF0118—Career and technical training grants.** (WEA supported.)

**SF0140—Kindergarten attendance.** (WEA supported.)

