



# WDE Assessment Updates

September 26, 2014

Volume 2, Issue 29

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### Parent Opt Outs from Statewide Assessment

Last spring, the WDE requested an opinion from the Wyoming Attorney General’s office regarding parent opt outs from state-mandated testing (e.g. PAWS, SAWS, EXPLORE, PLAN, ACT, or associated ALTs). Attached please find the full AG opinion, but the bottom line (directly from the formal opinion) is this:

“In summary, the State Board of Education is authorized to establish the statewide accountability system pursuant to state law, including the Wyoming Accountability in Education Act. It has promulgated rules that require districts to administer the relevant assessments to all students in the appropriate grade levels. These requirements are within the authority granted to the Board by the legislature. Consequently, districts may not allow students or their parents to opt them out of the assessments provided by law.”

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### September Phone Conferences re: 2013 Test Results

Thanks to those of you who were able to call in to one of the three of the phone conference we held to discuss the 2013 test results. Attached to this newsletter are the questions we received along with the answers. Apologies for the informal nature of the Q & A – they are intended for school and district use, not for directly communicating with parents and the public. We hope you find the information helpful.

### Test Results from 2014 on Fusion

As planned, the WDE placed individual student test results on Fusion on September 8, released embargoed summary reports to Fusion on September 15, and released results to the general public on September 22. A few school staff have asked about the results posted – specifically wondering why we post results for non-FAY students. Assessment reporting is for all students enrolled, but school accountability reporting is for FAY only students. The former is the snapshot; we report how the *students enrolled in your school* did on the 2014 test. Per both AYP and WAEA, however, we only hold schools accountable *for the performance of students who have been with you for a full academic year.*

### PAWS and SAWS Scale Score Ranges

This summer, WDE had to set new cut scores that define *how much* students need to know/do in order to earn scores in each of the performance levels (advanced, proficient, basic, and below basic). WDE convened standard-setting panels to review test questions against the academic targets established in the standards. For this content based standard setting, panelists were asked to make recommendations about what students need to know and be able to do at each grade level, 3-8 for PAWS and 5 and 7 for SAWS, in order to earn a score in each of the performance levels. The WDE then took those recommended cuts and smoothed the proficiency levels, where necessary, to fit a vertical scale. Below are the tables for PAWS and SAWS Scale Score Proficiency Level Ranges for grades 3-8 reading and mathematics and for grades 5 and 7 for writing.

### Wyoming Cut Scores for SAWS

SAWS Cut Scores (Total Poss = 24)		
	Gr 5 Raw Score	Gr 7 Raw Score
Basic	9	9
Proficient	14	14
Advanced	21	21

### Wyoming Cut Scores for PAWS

Scale Score Proficiency Level Ranges for Grades 3–8 Math				
Grade	Below Basic	Basic	Proficient	Advanced
3	375 - 549	550 - 598	599 - 659	660 - 850
4	400 - 583	584 - 636	637 - 696	697 - 875
5	425 - 608	609 - 651	652 - 726	727 - 900
6	450 - 628	629 - 676	677 - 742	743 - 925
7	475 - 652	653 - 696	697 - 752	753 - 950
8	500 - 663	664 - 706	707 - 762	763 - 975

Scale Score Proficiency Level Ranges for Grades 3–8 Reading				
Grade	Below Basic	Basic	Proficient	Advanced
3	375 - 552	553 - 589	590 - 640	641 - 800
4	400 - 565	566 - 605	606 - 659	660 - 825
5	425 - 577	578 - 619	620 - 667	668 - 850
6	450 - 588	589 - 629	630 - 680	681 - 875
7	475 - 605	606 - 641	642 - 692	693 - 900
8	500 - 615	616 - 655	656 - 710	711 - 925

## ACT Scale Score Ranges

In August, WDE convened a standard setting panel to set cut scores on the ACT reflecting the higher expectations of the 2012 Wyoming Content and Performance Standards. An empirical standard setting took place. Using the recommendation from the panelists, and per the advice of its Technical Advisory Committee, the Department then created a new Wyoming ACT scale, transforming the traditional ACT scale to a 3 digit number. The cuts for basic, proficient, and advanced are in the table below.

It's important to note that there will be some students with the same traditional ACT scale score who have different Wyoming ACT scale scores. This is because the new Wyoming ACT scale takes into account item difficulty as well as item discrimination (the extent to which an item distinguishes between higher and lower performing students) and guessing. Essentially, it takes into account the characteristics of the items each student correctly answered as well as the characteristics of the items the student missed. In this way, students get more credit for some items than others.

**Wyoming ACT Scale Score Ranges, 2014**

Math	Basic	122 - 149
	Proficient	150 - 169
	Advanced	171 +
Reading	Basic	129 - 149
	Proficient	150 - 163
	Advanced	164 +
Science	Basic	127 - 149
	Proficient	150 - 173
	Advanced	174 +

We've had many questions about the new scale, so we've written a more technical explanation. The five page document is attached with the newsletter, and it details why we were unable to use the traditional ACT scale (1-36) for performance level cuts.

Please also be aware that there is one cut for the Combined ELA/Writing score. This single cut differentiates proficient students from non-proficient ones, and we've established that cut at 150 on the Wyoming ACT scale. Scores on the Combined ELA/Writing scale that are 150 or higher are proficient. These data are intended for use in the School Performance Reports (SPRs).

If you have additional questions, please contact Deb Lindsey at 777-8753 or Jessica Steinbrenner at 777-8568.

## 2014-2015 Assessment Calendar

Grade	NAEP Jan 26 – Mar 6	PAWS Mar 2 - 27	WY-ALT Feb 23 - Mar 27	SAWS Apr 13 - May 1	ACCESS & ALT for ELLS Jan 19 - Feb 23	EXPLORE Apr 20 - May 12	PLAN Apr 20 - May 12	ACT Plus Writing Apr 28 (May 12)	WorkKeys Apr 29 (May 13) Optional	COMPASS Oct 6 - 24 April 20 - May 12
K					X					
1					X					
2					X					
3		X	X	X	X					
4	X	X	X		X					
5		X	X	X	X					
6		X	X		X					
7		X	X	X	X					
8	X	X	X		X					
9			X		X	X				
10			X		X		X			
11			X		X			X	X	
12					X				X	X

Reminder: Explore and Plan are required for students in grades 9 and 10 respectively! Only WorkKeys and Compass are optional!

**NWEA MAP Training - Mark Your Calendars!**

In November, the Northwest Evaluation Association (NWEA) will be offering a series of professional development workshops around the state from their MAP (Measures of Academic Progress) Foundation series. The workshops will help educators gain strategies for using MAP reports to engage in high-impact goal setting, and connecting MAP data to a variety of needs—including how to use the data to support the transition to more rigorous state standards like the Common Core. The workshops will also address the use of differentiated instruction to meet the needs of students through the use of flexible groupings and instructional ladders. The workshops will be offered in 3-hour modules.

Dates	Locations
November 11, 12	Evanston, WY
November 11, 12	Gillette, WY
November 12, 13	Cheyenne, WY
November 18, 19	Lander, WY
November 19, 20	Casper, WY

Registration and complete site information is forthcoming. If you are interested, be sure to register early as space is limited.

**Professional Development Opportunity: Standards Extensions for Students with Significant Cognitive Disabilities (SCD)**

WDE will be sponsoring 5 one-day training sessions for special educators and related service providers, conducted by a representative from the Center for Literacy Disability Studies from the University of North Carolina at Chapel Hill. The training will focus on literacy and the newly developed standards extensions that align to the WyCPS in English language arts and mathematics. In this one day session that will be offered in various regions of the state, participants will have a sneak peek at literacy for students w/SCD. Participants will have the opportunity to dig in to the new ALT standards and take away some lesson plans to use immediately in their classroom as well. A follow up, more in-depth session is being also planned for the summer 2015.

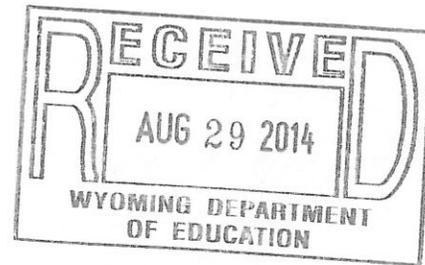
Locations and exact dates are still being determined, but we are planning for the middle of November. More details will be shared as soon as they are available. Watch the newsletter for more information!

**Assessment Professional Development Coming In December**

The Wyoming Department of Education would like to offer an opportunity for teachers and pre-service teachers to learn about assessment. The purpose of this professional development is to share everything from the basic terms associated with assessment, to how to access, interpret, and use data from state assessments. We are also planning to provide further information surrounding Lexile and Quantile measures. Please keep an eye on the newsletter for this upcoming professional development opportunity planned for the second week in December in Casper.

**Change In Exemption Practice for 2014-15**

After much review of the practice of exemptions from statewide assessment in Wyoming, and following discussion with the AG's office, it has been determined that there will be NO exemption process implemented in 2014-15. Both federal and state laws are clear that all students are expected to participate in the assessment system, either via the regular assessment (with or without accommodations) or via the alternate assessment. We know that some students cannot participate for reasons beyond the school's control (e.g. out of state placement, incarcerated, medically fragile). This is why the participation rate target on statewide assessments is 95%; it allows for these kinds of situations. We recognize, however, that in small schools, just one student can result in a school missing the participation rate requirement. We encourage you to keep records locally regarding which students did not participate in statewide assessments (and for what reasons). WDE will be crafting a process for appeals of School Performance Report (SPR) designations (exceeding, meeting, partially meeting, not meeting expectations). Schools may appeal their designation if they drop a performance level because of test participation **IF** the less-than-95% participation is a direct result of students who would have been previously exempted. Please direct any questions about this change to Deb Lindsey, 777-8753.



# *Office of the Attorney General*

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August 27, 2014

ATTORNEY-CLIENT COMMUNICATION—PRIVILEGED AND CONFIDENTIAL

Cindy Hill, Superintendent of Public Instruction  
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Dear Superintendent Hill:

Before his departure as Director of the Department of Education, Richard Crandall requested an opinion about whether federal or state law prevents school districts from consenting to parents' requests that their children "opt out" of state assessments.

### **Short Answer**

The rules of the State Board of Education require districts to assess all eligible students. This requirement is within the Board's statutory authority. Accordingly, districts must assess all eligible students, and students may not opt out of assessment.

### **Background**

In 2004, the Wyoming Legislature amended the duties of the State Board of Education to require that the Board develop "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." 2004 Wyo. Sess. Laws 274. The law set out the assessments to be used and set

the grade levels for those assessments. *Id.* at 275. Finally, the law directed the Board to “establish a statewide accountability system” with certain articulated features. *Id.* at 276. Although amended slightly since 2004, these provisions remain. Wyo. Stat. Ann. § 21-2-304(a).

In 2011, the Legislature went one step further and passed the Wyoming Accountability in Education Act. 2011 Wyo. Sess. Laws 491-505. The State Board of Education is now required to implement a statewide accountability system. Wyo. Stat. Ann. § 21-2-304(a)(v). The goals of the accountability system are that Wyoming “[b]ecome a national education leader among states,” “[r]ecognize student growth and increase the rate of that growth,” “[r]ecognize student achievement and minimize achievement gaps,” and “[m]aximize efficiency of Wyoming education.” Wyo. Stat. Ann. §§ 21-2-204(b)(iii), (v), (vi), (viii). The accountability system gathers a variety of information. Based on the information gathered, each school is categorized into one of four performance levels: exceeding expectations, meeting expectations, partially meeting expectations, and not meeting expectations. Wyo. Stat. Ann. § 21-2-204(e). For each performance level, a school may be subject to a variety of supports, interventions, and consequences. Wyo. Stat. Ann. § 21-2-204(f).

The information used to determine a school’s performance level is largely based on various assessments.\* These include:

- Reading and mathematics assessments in grades 3 through 8 and science assessment in grades 4 and 8. Wyo. Stat. Ann. § 21-2-304(a)(v)(B).
- Writing and language assessments in grades 3, 5, and 7. *Id.*
- College readiness tests covering English, reading, mathematics, and science in grades 9 and 10. Wyo. Stat. Ann. § 21-2-204(c)(iii).
- An adaptive college entrance exam or a job skills assessment in grades 11 and 12. Wyo. Stat. Ann. §§ 21-3-110(a)(xxix), 21-2-204(c)(iv).

The original 2004 law linked student achievement to practical consequences, albeit not as firmly as after the 2011 amendments. The original law provided for a set of consequences for schools that failed to meet target achievement levels and rewards for schools that did. Wyo. Stat. Ann. §§ 21-2-304(a)(vi)(C) and (E) (LexisNexis 2009). Today, a school’s performance rating carries with it even more consequences under both

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\* Factors other than assessments have some role, including, for example, graduation rates, ninth-grade credit accumulation, and funding equity. See Wyo. Stat. Ann. §§ 21-2-204(c)(v), (vi), and (vii).

state and federal law. Under Wyoming law, each school is categorized into one of four performance levels, and consequences flow from that categorization. Wyo. Stat. Ann. § 21-2-204(f). For example, a school that is not meeting expectations is required to develop a school improvement plan detailing how any areas of poor performance will be addressed. Wyo. Stat. Ann. § 21-2-204(f)(vi). The Department of Education provides assistance in drafting and implementing the plan. *Id.*; Wyo. Stat. Ann. § 21-2-204(f)(vii).

Similarly, schools receiving federal funds under Title I of the Elementary and Secondary Education Act that do not make adequate yearly progress based on the state assessment system results are eventually targeted for progressive assistance and interventions. 20 U.S.C. § 6316(b). At its most severe, federal law requires that a school be restructured, which could include “[r]eplacing all or most of the school staff” and similar measures. 20 U.S.C. § 6316(b)(8)(B)(ii). In other words, the results of the state assessment system play a significant role in directing resources to improve student performance, as well as directly impacting each school.

The Board, by rule, requires, as part of district accreditation, that “all students” in Wyoming public schools participate in the assessments:

(e) The district shall ensure that all students enrolled in the grades required to be assessed participate in the assessment system in one of three ways (W.S. 21-2-304(a)(v) and W.S. 21-3-110(a)(xxiv)):

(i) In the general assessment with no accommodations;

(ii) In the general assessment with appropriate accommodations; or

(iii) In the alternate assessment.

Rules Wyo. Dep’t of Educ., Ch. 6, § 8(e) (Aug. 5, 2009). For the college entrance exam or job skills assessment, the Board requires that all 11th-grade students participate in administration of the ACT or WorkKeys assessments. Rules Wyo. Dep’t of Educ., Ch. 40, § 6(a) (June 9, 2009). The only modifications are for students with individualized education plans. Even then, these students are still assessed, but they may receive accommodations to take the assessment or take an alternate assessment designed for students with the most severe disabilities. Rules Wyo. Dep’t of Educ., Ch. 6, § 8(e) (Aug. 5, 2009).

Based on the Department’s communication with this office, we understand that districts are increasingly receiving parental requests to opt their children out of some or

all assessments. Some districts have permitted the practice, raising the question of whether opting out is permitted by law.

## Discussion

Properly promulgated rules have the force and effect of law. *E.g.*, *Doidge v. State Bd. of Charities and Reform*, 789 P.2d 880, 883 (Wyo. 1990). Rules should be construed in the same manner as statutes. *E.g.*, *Romsa v. State ex rel. Wyo. Dep't of Transp.*, 2012 WY 146, ¶ 21, 288 P.3d 695, 701 (Wyo. 2012). As part of this process, all parts of a rule “ ‘must be read in pari materia, and every word, clause and sentence of it must be considered so that no part will be inoperative or superfluous.’ ” *Powder River Basin Res. Council v. Wyo. Dep't of Env'tl. Quality*, 2010 WY 25, § 30, 226 P.3d 809, 819 (Wyo. 2010) (quoting *KP v. State*, 2004 WY 165, ¶ 22, 102 P.3d 217, 224 (Wyo. 2004)). Construing a rule requires that we consider the rule's structure and the relationship between the parts and the whole. *Id.*

Administrative agencies have only the authority to act where expressly provided by statute, and accordingly, rules promulgated in excess of that authority are null and void. *U.S. West Commc'ns, Inc. v. Wyo. Pub. Serv. Comm'n*, 992 P.2d 1092, 1094 (Wyo. 1999). An agency rule may not add to, modify, or conflict with statute. *Diamond B. Servs., Inc. v. Rohde*, 2005 WY 130, ¶ 60, 120 P.3d 1031, 1048 (Wyo. 2005). The legislative grant of authority may be broad and grant the agency a great deal of discretion. In *Matter of Bessmer Mountain*, the Wyoming Supreme Court held that the Environmental Quality Council, under its general authority to enforce the Wyoming Environmental Quality Act, had the rulemaking authority to set out the criteria for designating lands “very rare or uncommon.” *Rissler & McMurry v. Env'tl. Quality Council (In re the Matter of Bessmer Mt.)*, 856 P.2d 450, 453 (Wyo. 1993). The Court has also held that where the legislature authorized adverse action against licensed outfitters for “[u]nethical or dishonorable conduct,” Wyo. Stat. Ann. § 23-2-416(a)(v), the Board of Outfitters had authority to define in rules what constituted unethical or dishonorable conduct. *Billings v. Wyo. Bd. of Outfitters and Guides (In re Disciplinary Matter of Billings)*, 2001 WY 81, ¶ 29, 30 P.3d 557, 570 (Wyo. 2001).

The first question is whether Board rules require districts to assess all students. Section 8(e) of Chapter 6, by its plain language, requires students to either take the regular assessment with or without accommodations, or take an alternate assessment. Rules Wyo. Dep't of Educ., Ch. 6, § 8(e) (Aug. 5, 2009). The Board rule requires all students to be assessed. Section 8(e) does not, however, specify the circumstances in

which accommodations or alternate assessment are appropriate. To answer that question, we must review Chapter 6 as a whole within the overall accountability system context.

Upon doing so, it becomes apparent that the legislature and Board are concerned with ensuring the full participation of children with disabilities and those with limited English proficiency. For example, the rules require that the state assessment system provide accommodations "so students with disabilities and Limited English Proficient students have fair access to the assessment system." Rules Wyo. Dep't of Educ., Ch. 6, § 8(f)(iii)(C) (Aug. 5, 2009). The Board's duties require that the assessment system "[p]rovide appropriate accommodations or alternative assessments to enable the assessment of students with disabilities . . . and students with limited English proficiency." Wyo. Stat. Ann. § 21-2-304(a)(v)(G). Similarly, the Elementary and Secondary Education Act requires, as a condition of receiving funding, that the State submit a plan that involves assessment of all students, with reasonable accommodations for those with disabilities. 20 U.S.C. § 6311(b)(3)(C)(ix). Viewing the law as a whole, we conclude that the provision for assessment with accommodation or alternative assessment applies only to students with disabilities or limited English proficiency.

Given that the rules require an assessment, the remaining question is whether the Board's statutory authority permits the Board to require that all students be assessed.

The Board's authority, both before and after the 2011 Accountability Act, as to the implementation of the statewide assessments is broad. The statute sets out the various performance indicators to be used, including the assessments specified. Wyo. Stat. Ann. § 21-2-204(c). But the law leaves to the Board discretion, within certain procedural processes, to determine the target performance levels of the indicators. Wyo. Stat. Ann. § 21-2-204(e). Further, the Board is charged with implementing the accountability system through accreditation without much additional legislative guidance. Wyo. Stat. Ann. § 21-2-304(a)(ii).

We conclude that the Board does have authority to require that districts assess all students as part of the implementation of the accountability system.

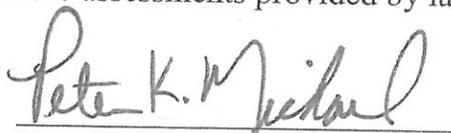
As the Department indicated in its request, an alternative policy that would permit parents to opt their children out could compromise the integrity of the information which determines school classification and adequate yearly progress. For example, if students who perform poorly decide to opt-out of the assessments, the school could appear to be better performing than it is. Consequently, that school might not receive the support it is entitled to receive under the Accountability Act. Or if the opt-outs are correlated with high student performance, the opt-outs could lower a school's performance level, which

could cause that school to take actions that would be unnecessary if those students had participated. This effect could be particularly significant in some of Wyoming's smaller schools and school districts.

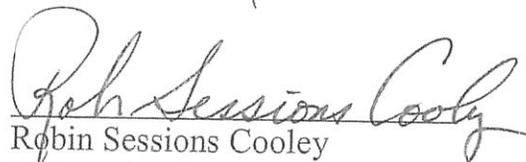
As the agency responsible for establishing the accountability system, the Board's rulemaking authority includes the ability to structure that system in a manner that reduces the chance of error. To conclude otherwise would frustrate both the stated goals of the 2011 Accountability Act and the directive to create a "coherent system of measures that . . . provide a reliable and valid measure of individual student achievement for each public school and district within the state, and the performance of the state as a whole." Wyo. Stat. Ann. § 21-2-304(a)(v). Similar to the Wyoming Supreme Court's analyses in *Bessmer Mountain* and *Billings*, we conclude that the grant of authority to the Board for the purpose of establishing an education accountability system includes the authority to require that districts administer the statewide assessments to all students of the appropriate grade levels.

### Conclusion

In summary, the State Board of Education is authorized to establish the statewide accountability system pursuant to state law, including the Wyoming Accountability in Education Act. It has promulgated rules that require districts to administer the relevant assessments to all students in the appropriate grade levels. These requirements are within the authority granted to the Board by the legislature. Consequently, districts may not allow students or their parents to opt them out of the assessments provided by law.



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# Wyoming Department of Education

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**TO:** Peter Michael, Attorney General  
**FROM:** Richard Crandall, Director  
**DATE:** April 9, 2014  
**RE:** Request for Formal Opinion

Like a number of states across the country, districts in Wyoming have anecdotally reported an increase in the number of parental requests for opt outs of both state and local assessments. It has been the WDE position that, while we cannot find explicit prohibitions of parental opt outs in either state or federal statutes, full participation of students in tested grades is expected in all public schools.

ESEA school accountability requirements establish a minimum threshold of 95% assessment participation in schools. This threshold is premised on the obvious need for validity in the accountability system, one that's unaffected by selection bias that could occur if opt-outs and other non-participants are systematically different from their peers who do participate in the assessments.

The Division of Assessment recently provided the following guidance to districts in its weekly newsletter and on its website (<https://edu.wyoming.gov/educators/assessment/paws/>):

### ***Parent Opt-Outs and Wyoming Statewide Assessment***

*In Wyoming, there is NO STATUTORY AUTHORIZATION for parental opt-outs of state assessments. State statute is very clear; all students enrolled are to be tested with the regular assessment, the regular assessment with accommodations, or the alternate for students with significant cognitive disabilities. In rare and very specific instances, WDE can approve exemptions from testing. Exemption categories include, and are limited to, the following four categories of students: medically fragile, out of state placements, expelled without services, and English learners who have been in US schools for less than a year (but only from reading/writing tests).*

Under both WAEA and NCLB, schools are expected to achieve participation rates on statewide assessment of at least 95%. Rates lower than 95% result in a school missing AYP and dropping one performance level (or more) on the Wyoming School Performance Reports.

At this point, at least one district has created an official opt out form (attached) and anti-CCSS activists are promoting parental opt outs: <http://wyomingagainstcommoncore.wordpress.com/2014/03/07/vet-another-test-for-your-child-sbac-field-testing-piloted-in-wyoming/>

Please review both federal and state statutes addressing student assessment and school accountability to provide WDE with a legal opinion on whether, under state and federal law, the WDE has correctly concluded that parent opt-outs of state assessments are not allowed, and that the four articulated exemption circumstances noted above are appropriate. If you have questions, please contact Deb Lindsey, Division Administrator, State Assessment at 777-8753.

# Sweetwater County School District #2

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## District & State Assessment Refusal Documentation Form

Please print the following information:

Student's Name \_\_\_\_\_  
Parent/Guardian's Name \_\_\_\_\_  
School \_\_\_\_\_  
Student's Grade Level \_\_\_\_\_  
Date of Assessment \_\_\_\_\_

Sweetwater County School District #2 participates in the Proficiency Assessments for Wyoming Students (PAWS), and the Student Assessment of Writing Skills (SAWS), state administered standardized tests. SW#2 also administers several District assessments including, Measures of Academic Progress (MAP), DIBELS, and AIMSWEB, which are administered three times each school year, Fall, Winter, and Spring.

These assessments provide information for teachers to make instructional decisions regarding their students throughout the school year. This allows re-teaching within specific standards focused upon concepts where students need additional opportunities for success.

As the parent/guardian of the above named student, I choose for my child to not participate in the following State and District assessments.

I choose for him/her to not participate: (check one)

The entire PAWS Assessment \_\_\_\_\_ certain subtests: \_\_\_\_\_ please specify: \_\_\_\_\_  
(Reading, Math, Science)  
The SAWS Assessment \_\_\_\_\_  
The entire MAP Assessment \_\_\_\_\_ certain subtests: \_\_\_\_\_ please specify: \_\_\_\_\_  
(Reading, Math, Language Usage)  
The DIBELS Assessment \_\_\_\_\_  
The AIMSWEB Assessment \_\_\_\_\_

My reason for this decision is: \_\_\_\_\_

I have read and understand the outcomes of this decision.  
In particular, I understand that:

- ✓ PAWS and SAWS are required for all students grade 3-8 by the United States Department of Education under NCLB and the Wyoming Department of Education.
- ✓ I will not receive assessment performance information about my child.
- ✓ My child may need to be educated in an alternative location while his/her peers are testing.

Signature of Parent/Guardian: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
School Representative: \_\_\_\_\_

This form is to be filed within the student's cumulative record located at the school building.

## **Questions from Phone Conference Q & A Sessions, September 2014**

**Question:** What factors contributed to the assessment shift? Why do we need new cut scores?

**Answer:** In 2012, Wyoming adopted new content standards in language arts and mathematics that significantly shifted expectations for students. Whenever there is a shift in standards, the assessments must be aligned to the state's adopted standards. We knew that there was going to be a transition time. Students are being asked to think more critically, more deeply, in language arts and mathematics. That content had to be reflected in our test design.

We knew that the assessments in 2014 would be different enough to warrant development of a brand new scale on the test, as well as new performance standards. And, district curriculum directors endorsed the idea of continuing the plan to shift the operational test to more fully address the state's adopted content standards in order to reinforce work on the standards in their districts.

Remember that most of the changes that we implement are driven by statute and changes in adopted standards. As examples, in 2012, the legislature eliminated the grade 11 PAWS and substituted the ACT as the high school accountability assessment. They also required, under WAEA, implementation of Explore and Plan in grades 9 and 10, respectively.

**Question:** When did the standard setting sessions take place?

**Answer:** The standard setting for PAWS and SAWS took place in July 2014. The standard setting session for ACT was held in early August. That's why performance data were returned so late to districts this year; we needed to accommodate new scale development and standard-setting.

**Question:** Did you accept the panelists' recommendations from standard-setting?

**Answer:** After the ACT standard setting, it was necessary to convert the ACT scale scores to a new Wyoming scale. We used the panelists' recommendations for cuts on the ACT scale to establish the cuts on the new Wyoming ACT scale. The recommended cuts for PAWS were adopted with minor changes to smooth the cuts across grades. This is called vertical articulation – making sure, for example, the proficient cut for grade 5 is higher than the proficient cut for grade 4. SAWS is a new test, and the cuts the panelists recommended were adopted without any changes.

**Question:** Why don't we have performance levels for grade 3 SAWS?

**Answer:** The design for SAWS grade 3 is a year behind in development due to differing interpretations of SAWS grade 3 statute early in test design. We'll conduct standard-setting for grade 3 SAWS in the early summer of 2015.

**Question: What's up with the ACT? What's a theta score? Why are we using theta values?**

**Answer:** The ACT has been problematic. The standard setting for the ACT was conducted because we knew the process from last year wasn't going to work. We had issues last year in that we couldn't use the original cut scores established via equipercentile linking, a commonly

used procedure. Proficiency rates would have jumped by 15 points in mathematics last year; given the results, we saw that we had to revise the cuts. It's obvious that the traditional ACT scale is not well suited for defining performance levels for student reporting or school accountability. What was recommended by technical experts was that we adopt a new 3-digit scale based upon a theta score. Theta scores are based upon Item Response Theory (IRT). It uses information from the IRT taking into account student guessing, item discrimination, and difficulty discrimination. A scale score of 150 represents a proficient scale score.

While our ACT cut scores are 23 in reading and 21 in math and science, a score of 21 might (or might not) mean a student is proficient. The reason for this is that students answered different kinds of questions correctly. The theta value is intended specifically for school accountability and is the best measure we have when using ACT. We cannot augment the ACT per legislative direction, but we know that the ACT doesn't fully address the content standards. If the legislature continues ACT for 2016 and beyond, we will be identifying states like Illinois for examples of professional development.

The Wyoming ACT scale score (or the underlying theta score) doesn't really matter for students and parents. The traditional ACT scale score is relevant because it's the one which will be used for college admission and scholarship qualification.

**Question: What are concordance tables?**

**Answer:** Concordance tables are used to roughly compare performance from 2013 to 2014 by converting the 2014 scale to the 2013 scale (and using 2013 cut scores). The concordance tables can be applied in this year of transition only. However, the comparisons are only rough since the tests were not equated. Remember that we are establishing a new baseline in assessment scores/data. It is not accurate to say that performance levels have dropped as previous years' tests are not directly comparable to the 2014 assessments.

**Question:** Issues with cut scores are drastically lowering proficiency – what can we do to get the state to do a “do-over?”

**Answer:** In short, there are no “do-overs.” Changes to content and performance standards were driven by widespread dissatisfaction across the country from higher education and businesses asserting that high school graduates – in Wyoming and elsewhere -- are entering college and the workforce underprepared.

**Question:** Can we get summary information so we can compare cohorts and compare our performance to the state?

**Answer:** On Monday, September 8, confidential student level data were released to Fusion. On Friday, September 12, embargoed summary reports were released for district use. On September 22, the embargo was lifted and data were made public.

**Question:** What about AYP?

**Answer:** Currently Wyoming is not working under the ESEA waiver. We are working under 2 systems which will sometimes – maybe often -- result in contradictory information about school performance. We recognize this concern. The AMO is at 100%, and we know that most schools

will miss AYP this year. We recommend that schools not spend a lot of time worrying about AYP. At the state level we will be de-emphasizing the results of the AYP calculations in favor of its own school rating system that better identifies high and low performing schools across the state.

AYP and SPRs will be released confidentially to districts in mid-October and go public in early November. We suggest that districts de-emphasize the AYP data and emphasize the SPRs.

**Question:** Are we still to get typical growth from WAEA?

**Answer:** Under WAEA, every student will still get Student Growth Percentiles (SGP). Remember SGPs are agnostic when you shift your test from one year to the next. So, you'll know whether or not your students are making more, less, or about the same growth as other students who started out on last year's PAWS at the same level. We will have SGPs this year, but not Adequate Growth Percentiles (AGPs).

If you rely on providing state test data to teachers as a tool for helping them to determine whether or not a student has improved, use the concordance tables. However, state tests are not the best way to communicate to teachers about the performance of individual students. The best way to communicate to teachers about individual student growth and the best data to use about for local instructional decision making is taken from the local districts. MAP data are timelier, and their scale hasn't changed.

**Question:** How do we handle the media?

**Answer:** We have been planning for some time to provide districts with information that would help to communicate these shifts in assessment and accountability. To that end, communications staff have been working to put together a set of materials, based upon content that we've provided them, to provide you with brochures, PowerPoints, FAQs, etc. In addition to the communications materials, we are introducing a new website called *WyomingMeasuresUp.com* which goes live by September 22. All communication materials will be available on that website.

We have provided you with school and district summary reports that don't just have your district and school averages, but also statewide averages, which is important contextual information as you begin crafting your responses to the media. To ease the burden on the local districts, Deb Lindsey held a pre-release meeting with members of the media to explain the shifts in statewide assessment and why the shifts are occurring, the resetting of standards and expectations, and the new school performance expectations.

Our message to the media is that we are resetting expectations, aligned to our newly adopted standards, the standards raise expectations for students. We have a new a school performance rating system which is raising expectations for schools, as well.

**Questions:** What about the PJP and school performance levels?

**Answer:** The Professional Judgment Panel (PJP) will be reconvening the third full week in September. It is a statutorily required group that looks at and set cuts for school performance, following a formal standard setting process, for schools. We expect that the cuts, particularly on

the achievement indicator, will be adjusted significantly to accommodate the new baseline of student performance.

**Question:** Has there been any discussion with the state legislature preparing them for challenges that the new scores and standards present?

**Answer:** Yes. In July, a letter was sent to the Legislative Services Office to be forwarded to members of the Select Committee. The letter reinforced in writing what members had been told during last year's Interim session and discussed the standard setting and that we could expect to see some major changes in proficiency rates, consistent with the recent experiences in Kentucky and New York.