



## Wyoming Department of Education

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### MEMORANDUM NO. 2009-176

**TO:** School District Superintendents  
School District Principals  
State Board of Education  
Superintendent Advisory Council  
University of Wyoming College of Education  
Wyoming P-16 Education Council

**FROM:** Jim McBride, Ed.D. 

**DATE:** November 4, 2009

**SUBJECT:** Request for Comments on NCLB Reauthorization

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### IMPORTANT INFORMATION

In 2007 I worked with educators, parents, our professional organizations, and community members to gather collective inputs for areas of improvement for the reauthorization The No Child Left Behind Act of 2001 (NCLB). I shared this information with Senator Enzi and other legislators to inform their work on reauthorizing the law.

While NCLB has not yet been reauthorized, discussions on improving the law are once again occurring nationally. This is a vital piece of legislation that greatly affects Wyoming's schools and students. I will develop another draft reauthorization letter to send to Senator Enzi, State Chief School Officers, CCSSO, other legislators, and the educational community with Wyoming's suggestions on improving the law. I would like your comments on this attached current draft reauthorization.

Later this year I will develop a full letter but for now I would like you to review and comment on the concepts and big picture changes for the law. Ultimately I will attach this to our work on the reauthorization document.

Please review the attachment and share this with others in your district for input. To avoid confusion in this process, I refer to a new reauthorization of NCLB as the "New Law" (NL). The lines are numbered for your reference when

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commenting. Please refer to the line number in order for your comments to be considered. An example might be, "Line 146- add parents." Include as many comments in an e-mail and please use the above format when making comments.

Please e-mail your comments to Chelsie Bailey, [cbaile@educ.state.wy.us](mailto:cbaile@educ.state.wy.us) on or before **December 14, 2009**. If you have any questions, please contact Chelsie (307) 777-6208, Tim Lockwood (307) 777-6386, or Christine Steele (307)777-6216.

I greatly appreciate your help in commenting on this draft. Together, we can identify and communicate Wyoming's overall suggestions for improving NCLB.

JM:cb

Attachment

1  
2 **COMMENTS ON THE REAUTHORIZATION OF THE ELEMENTARY AND**  
3 **SECONDARY ACT**  
4 **THE WYOMING DEPARTMENT OF EDUCATION**

5  
6 Overarching Ideas Critical to New Law  
7

8 **a) Simplification**  
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10 Education is primarily a state responsibility. States know how their  
11 resources can best be used to support continuous improved student  
12 performance. In the NL I suggest a block grant model similar to the  
13 provisions of the current Ed Flex approach with a focus on maximum  
14 flexibility for states.  
15

16 **b) Focus on a Growth Model**  
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18 Focus on growth to measure student performance. Let states standardize  
19 their portion of measurement and growth. The NL will have to consider  
20 states adopting the Common Core Standards and a national assessment.  
21 State laws vary across the nation. A transition period of 3 to 4 years is  
22 needed to develop and accomplish this adoption and growth model  
23 approach.  
24

25 **c) National Standards, National Assessment**  
26

27 A new formula for measuring progress is necessary. Consider a 40/60 split  
28 where 40% of the measurement is based on a national assessment and  
29 60% comes from district student growth measures. Multiple measures are  
30 needed so that students can apply knowledge and engage in critical  
31 thinking. Skills and instruction should be far broader than just reading,  
32 science, and mathematics to prepare for the global market place. Without  
33 multiple measures we will not make valid decisions on student progress.  
34 There are unintended consequences of the concept that 100% proficiency  
35 is attained by a certain date. This approach makes schools “fail” and  
36 harms public support for education by giving a false impression that  
37 schools are not providing a good education.  
38

39 **e) Rewards vs. Sanctions**  
40

41 Sanctions and punitive measures have been the hallmark of NCLB. In the  
42 NL, consider shifting from consequences to providing incentives, rewards,  
43 and sustained resources for an array of options to assist schools.  
44 Rewards don't always have to be financial. They could be as simple as  
45 more flexibility in spending existing dollars.  
46  
47  
48

49 **f) Fully Fund Mandates**

50

51 NCLB has often been criticized for not funding mandates. As more schools  
52 are forced into restructuring, there is a huge financial impact. The effort  
53 often exceeds financial resources, particularly in rural or frontier  
54 environments. Similar comments can be made for the requirements of The  
55 Individuals with Disabilities Education Act (IDEA 2004) and the  
56 requirements in Title III for English Language Learners.

57

58 **g) Urban, Rural, Frontier**

59

60 NCLB has a very urban centric view. Often directives listed and, options  
61 presented are impossible in a small isolated community. The students, the  
62 staff, and the administration who live in the community are the option.  
63 Focus must be on well funded, research-based staff development often  
64 supported by the SEA, in partnerships with local community colleges and  
65 available universities.

66

67 **h) Avoid Specific Dates**

68

69 There are unintended consequences of the concept that 100% proficiency  
70 is attained by a certain date. If unchanged, it will make every public  
71 school a “failure” without helping individual children. This, in turn, harms  
72 public support for education by giving the completely false impression that  
73 public schools are not providing a good education. In addition, national  
74 testing and state inputs should be a year-long process. NCLB also dictates  
75 a spring rush for testing and reporting which puts the states with few  
76 students at a disadvantage when dealing with testing companies. The NL  
77 must allow much more flexibility in data reporting.

78

79 **i) Equitable Distribution of Effective Teachers and Principals**

80

81 Many states have addressed all the highly qualified teacher requirements  
82 in No Child Left Behind and have systems in place that continue to  
83 address the highly qualified teacher issues successfully. Wyoming supports  
84 ensuring that every student is taught by a highly effective teacher in a  
85 school that is lead by a highly effective principal leader. States should  
86 continue to develop regulations for certified personnel evaluation that  
87 require the inclusion of student performance data. Wyoming is in the  
88 approval stages of developing this process. Teacher practice standards and  
89 leader practice standards should be developed to support state evaluation  
90 instruments. Those standards will drive recruitment, hiring, induction,  
91 evaluation, professional growth, retention, and equitable distribution of all  
92 certified personnel. These practices within the NL will help districts  
93 develop human capital systems that systemically strengthen the  
94 effectiveness of educators, and measure that effectiveness. The financial  
95 and philosophical support of the federal government is greatly appreciated.  
96 Wyoming believes that we can develop a quality system for ensuring that

97 all Wyoming educators become highly effective and are equitably  
98 distributed.

99

#### 100 **j) Special Education**

101

102 Students with disabilities deserve special attention and focus. The NL  
103 should fully fund helpful federal programs like IDEA and focus on the  
104 individual students meeting their Individual Education Program Goals as  
105 evidence of progress.

106

#### 107 **k) English Language Learners**

108

109 English Language Learners [ELL] should have similar individual learning  
110 plans. While states strongly support focusing on subgroups of children  
111 such as ethnic minorities, the AYP structure means they can be blamed for  
112 the failure of a school. This has the unintended consequence of causing  
113 tension in schools. The NL should remove the AYP structure of labeling  
114 schools as failures because of specific subgroups. Data should still be  
115 reported but have much less of an impact.

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117

### 118 **SEVEN FOCUS AREAS AND PROPOSED SOLUTIONS**

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#### 120 **SEA Capacity Building**

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122 Wyoming is a rural state that serves 48 districts and 362 schools. The  
123 issue of providing adequate state capacity to serve districts and schools is  
124 difficult due to the distances between districts, the different needs of each,  
125 our small population, and the lack of federal and state resources. The lack  
126 of resources to provide technical assistance in rural states impacts the  
127 following areas:

128

a) Hiring and retaining highly qualified department staff,

129

b) Availability of research based products and services,

130

c) Implementing quality data systems in all districts and

131

d) Adequate technical assistance budget.

132

133 The escalating nature of the costs of technical assistance provided by the  
134 state is increasing as schools and districts work toward achieving the  
135 rigorous requirements of NCLB.

136

137 In the NL, Wyoming recommends focusing on building capacity at the  
138 district level to enable districts to better assist their schools. States can  
139 develop a theory of action to assist districts/schools in the educational  
140 improvement process. In Wyoming this is called the State System of  
141 Support (SSoS). A state system will provide direction and leadership in  
142 more data-driven decision making.

143

144 Districts/schools have learned about the advantages of implementing  
145 research-based, data-driven instruction, but their applications of such are  
146 restricted because of ever-increasing demands to raise student  
147 achievement with fewer experienced staff. Just as the needs of students  
148 are changing, so are the needs to educators and SEA providers of technical  
149 assistance.

150  
151 Proposed Solution: In order to overcome the resource problems, we  
152 recommend that the NCLB reauthorization “the  
153 NL” include an increase in federal administration  
154 and technical assistance funds. We also  
155 recommend that these funds have greater  
156 flexibility so they can be combined in support of  
157 state and district improvement initiatives.

### 158 159 **Teacher Leader Quality**

160  
161 Wyoming has addressed all the highly qualified teacher requirements in No  
162 Child Left Behind. We have a system that continues to address the highly  
163 qualified teacher issues successfully. Wyoming supports ensuring that  
164 every student is taught by a highly effective teacher in a school that is lead  
165 by a highly effective principal leader.

166  
167 Integrated, cooperative teaching is the mainstay of the middle school  
168 concept, currently NCLB emphasizes content. There needs to be a balance  
169 between content and pedagogy.

170  
171 Proposed Solution: In the NL, emphasize working collaboratively in  
172 small professional learning communities.

173  
174 In rural high schools, one special education teacher is assigned to work  
175 with students in all content areas – and depending on the academic needs  
176 of the student(s).

177  
178 Special educators, more than any other teaching major, are specifically  
179 trained to provide instruction to meet the individual learning needs and  
180 styles of each student.

181  
182 Proposed Solution: The NL should provide more support for  
183 recruiting highly qualified teachers in special  
184 education, specifically in rural areas.

### 185 186 **Assessment**

187  
188 Careful thought must be given to assessment requirements in the NL since  
189 they directly touch every student and school in the nation. Negative  
190 unintended consequences of testing must be carefully weighed against  
191 positive intended consequences.

- 192 a) The NL must address the new Common Core State  
193 Standards and assessment (National Assessment) that  
194 will be developed based on these Standards as  
195 described in the General Section of this  
196 correspondence.  
197 b) The NL must incorporate a growth model so that the progress  
198 of all students is reflected in accountability measures.  
199 c) The NL must include a split accountability model combining  
200 information from national and state assessments. States  
201 would have great flexibility in their assessments to include  
202 measures in different subject areas and to use different  
203 assessment methods.  
204

### 205 Common Core State Standards and the National Assessment

206

207 The NL will have to consider the role of the Common Core State Standards  
208 and the assessment (National Assessment) that will be developed based on  
209 these Standards.  
210

211 State laws vary across the nation. Adopting and implementing the  
212 common core standards must be considered in the NL and will take  
213 considerable time. A 3-4 year transition period will probably be required  
214 for most states to complete adoption and implementation. In addition, a  
215 hiatus on current standard NCLB AYP calculations will be required. A plan  
216 for the transition from the current accountability requirements to the new  
217 ones will be required.  
218

219 If states can get out of the assessment business, resources they are using  
220 to develop and maintain state assessments can be redirected to focus on  
221 student achievement and professional development. In a state the size of  
222 Wyoming, with a small SEA, tens of millions of state dollars and 6-8 FTEs  
223 are needed to sustain the state assessments required by NCLB. Though  
224 these costs would not drop to zero if we used a National Assessment, they  
225 would be diminished considerably and these resources could be directed  
226 toward SEA support of district curriculum, assessment, and professional  
227 development in support of student achievement  
228

### 229 Focus on Growth or a Growth Model

230

231 The NL must incorporate a growth model so that the progress of all  
232 students is reflected in accountability measures.  
233

234 By demonstrating proficiency through a growth model assessment design,  
235 a school can better track a student's needs, strengths and weaknesses  
236 from year to year. By developing a growth model for assessment, all  
237 student sub-groups receive the focus they need and teachers are better  
238 prepared for grade transitions of students. Though Wyoming is in its fifth  
239 year of its new state assessment, the assessment is just now beginning to

240 be stable enough that it could be used in a growth model. If a National  
241 Assessment were developed and adopted by Wyoming, we would hope it  
242 had the technical qualities to support a growth model. A growth model  
243 could continue to require proficiency on state standards, but it would track  
244 a student's progress based on his/her current skills. This would also allow  
245 proficient and non-proficient students to receive differentiated instruction,  
246 guidance, and attention for growth although their skills are at different  
247 levels.

248

249 In order for assessments to serve the purpose of improving teaching and  
250 learning, assessment results must be readily understandable for educators  
251 and parents and must be available to schools and teachers in a timely  
252 manner.

253

#### 254 A Split Accountability Model

255

256 The NL must include a split accountability model combining information  
257 from national and state assessments. States would have great flexibility in  
258 their assessments to include measures in different subject areas and to  
259 use different assessment methods.

260

261 In general, states believe a new accountability formula (possibly a 40/60  
262 split) will be necessary. The National Assessment (a single snapshot in  
263 time) should count for some portion, approximately 40% of the  
264 measurement. The remaining 60% should come from districts' (LEAs')  
265 student growth. States could be responsible for the standardization and  
266 consolidation of the LEA data and they would enter these into the national  
267 data base or forward them to USDE.

268

269 Splitting the accountability model between national and state would help  
270 to eliminate one of the worst unintended consequences of NCLB, the  
271 narrowing of curriculum. States recognize that reading, science, and  
272 mathematics are important, but also recognize that measures of other  
273 student knowledge and skills are needed. The unintended consequences of  
274 having only three limited snapshot measures is obvious when reviewing  
275 National Center on Educational Policy data: Forty-four percent (44%) of  
276 elementary schools both increased time spent on reading and math and  
277 also cut time from science, social studies, art and music, physical  
278 education, recess and/or lunch. Skills and instruction far broader than  
279 just reading, science, and mathematics are needed to prepare students for  
280 the global market place. Can students apply knowledge, engage in critical  
281 thinking, and work with others? How well are they learning history,  
282 government, foreign language, the fine and performing arts, health,  
283 physical and career/technical education? Districts (LEAs) can measure  
284 these other content areas and skills and include them in their assessed  
285 growth portion of the NL AYP formula.

286

287 Proposed Solution: Develop a growth model format for assessment  
288 that tracks student achievement based on skills,  
289 yet uses state standards to demonstrate  
290 proficiency. The 40/60 split would allow the  
291 single national assessment snap shot and the  
292 60% feature would allow multiple growth  
293 measures to be collected and standardized by the  
294 SEA.

## 295 **Accountability Systems**

296  
297  
298 Currently, Adequate Yearly Progress (AYP) requires accountability systems  
299 throughout the country to look at a single snapshot to determine the  
300 achievement level of groups of students. This does not offer schools/LEAs  
301 the opportunity to show how they reach individual students. With the  
302 creation of the National Assessment, the NL will need to consider growth  
303 inputs from the districts (LEAs)

304  
305 Student achievement should reflect the gains in achievement of individual  
306 students over time (growth models). Growth models would give schools  
307 credit for student improvement over time by tracking individual student  
308 achievement year to year.

309  
310 Proposed Solution: Accountability systems need to move beyond a  
311 status model of achievement and look at how  
312 "individual student achievement" grows over  
313 time.

314  
315 Schools and LEAs are each unique--with different students, staffs, and  
316 cultures. Therefore, schools/LEAs must take the time and effort to identify  
317 true needs while implementing required sanctions.

318  
319 For instance, a school missing Adequate Yearly Progress (AYP) in several  
320 subgroups tends to have very different needs from a school missing AYP in  
321 only one subgroup. Under these circumstances, it may be better for the  
322 students to have teachers receive high quality professional development to  
323 meet the needs of their student population rather than offering additional  
324 tutoring services from outside provider.

325  
326 It is absolutely imperative that schools and LEAs show:

- 327 a) Data analysis of areas in need of improvement.
- 328 b) A determination of the best practices that support the  
329 identified area of need.
- 330 c) Research that the selected corrective strategies should  
331 improve identified areas of need.
- 332 d) Clearly identified specific and measurable goals related to  
333 identify student academic needs.

- 334 e) A short term and long term action plan to implement  
335 strategies and evaluate goal attainment.  
336 f) Documentation of how the LEA supports the school in the  
337 implementation of the action plan.  
338 g) Documentation of how the LEA and SEA provided technical  
339 assistance related to the entire educational process.  
340

341 Also, the sanctions on a school/LEA must focus on the students who  
342 missed AYP. Sanctions of Supplemental Education Services (SES) for  
343 schools in Year Two of School Improvement make it possible for the  
344 students eligible for the service to be completely different than the  
345 subgroup that missed AYP. The primary benefactors of SES should be  
346 students who did not achieve proficiency, not just any student in a school  
347 that did not meet AYP.  
348

349 Proposed Solution: The needs of schools and LEAs vary. Sanctions  
350 need "flexibility and staff capacity building" to  
351 ensure that the needs of students are met.  
352

### 353 **Subgroup Issues**

354

355 Subgroup progress should be included as part of an accountability system.  
356

357 English Language Learners: The ELL subgroup continues to be a  
358 complex issue because of the length of time it takes for students to achieve  
359 English proficiency in the use of academic language.  
360

361 We should exempt ELL students from taking the Language Arts content  
362 sections of PAWS and have them take the state English language learner  
363 proficiency assessment as a substitute to show growth for their first three  
364 years in the country or until they have reached English Proficiency,  
365 whichever comes first. Currently the exemption is for one year in the  
366 country.  
367

368 Students with Disabilities: All materials support retaining the 100%  
369 proficiency goal for Students with Disabilities, (SWD subgroup), but focus  
370 on individual student growth (growth model). The student's IEP academic  
371 focus should be consistent with state's academic content standards.  
372

373 Proposed Solution: The federal government should invest in research  
374 and funding of NCLB considering the high level of  
375 data (student level data), subgroup tracking, and  
376 costs of assessments such as the ELP  
377 assessment and modified or alternate  
378 assessments.  
379

### 380 **Funding**

381

382 Wyoming believes funding of NCLB, a guaranteed, stable, dedicated  
383 threshold should be granted to all states with a significant degree of  
384 flexibility within the state for disbursement to LEAs.

385  
386 One area of concern is schools in “improvement year 4 or 5.” The required  
387 development and implementation of a “restructuring plan” can be  
388 prohibitively expensive and may meet the definition of an “unfunded  
389 mandate.” We would strongly suggest special funding to address  
390 “restructuring implementation.”

391  
392 Additionally, some districts may require more funding for English  
393 Language Learners (ELL) and others may have little or no need for funding  
394 in that particular area. Furthermore, when funding has been  
395 appropriately disbursed at the local and state levels, unspent funds could  
396 be re-directed in ways that would seem to improve student success, i.e.,  
397 technical assistance. With the exception of restructuring, the Wyoming  
398 Department of Education does not subscribe to the belief of some that  
399 NCLB is an unfunded mandate. Rather, funding is perceived to be  
400 adequate, especially if funding and transfer options were less restrictive  
401 but remain accountable.

402  
403  
404 Proposed Solution: A flexible, yet defensible accounting of state  
405 funding would allow for the diverse  
406 circumstances found within Wyoming. Additional  
407 funds will likely be needed for restructuring  
408 implementation.

### 409 410 **Graduation Rates**

411  
412 Wyoming applauds flexibility to utilize extended year graduation rates in  
413 accountability determinations as introduced in the December 2008 USDE  
414 document, High School Graduation Rate Non-Regulatory Guidance, and  
415 encourages this flexibility to be carried into the NL. Conversely, in order to  
416 ensure equity and comparability across states, language in this same  
417 document requiring submission of state-specific justification to use  
418 extended year graduation rates in AYP determinations should be replaced  
419 by consistent guidelines applicable to all states.

420  
421 We also advocate for integration of GED, 5<sup>th</sup> and 6<sup>th</sup> year graduation  
422 outcome data into completion rate accountability to accurately reflect the  
423 entire picture of educational achievement by Wyoming’s youth.