ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

AN ACT relating to education accountability; modifying the Wyoming Accountability in Education Act as specified; modifying provisions to comply with the federal Every Student Succeeds Act; conforming provisions; modifying the operation of the advisory committee to the select committee on statewide education accountability; repealing the select committee on statewide education accountability; requiring reporting; and providing for effective dates.

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

W.S. 21-2-202(a)(xiv)Section 1. and 21-2-204(c) by creating a new paragraph (viii), by creating a new subsection (e), by amending and renumbering (e) as (f), by amending and renumbering (f) as (h), by renumbering (h) as (j), by amending and renumbering (j) as (k) and by (k) 21-2-304(a)(vi) renumbering as (m), and 21-13-307(a)(iv) 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:

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. $\frac{21-2-204(h)}{21-2-204(j)}$ and shall be provided within a reasonable time in accordance with rules and regulations of the state board;

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

(xxxvi) Commencing school year 2015-2016, conjunction with the school district accreditation process required under W.S. 21-2-304(a)(ii) and as a component of the statewide education accountability system created under W.S. 21-2-204, conduct a review of each school district's assessment system once every five (5) years to ensure with the uniform state education alignment standards promulgated by the state board, and to ensure district adherence to the uniform graduation standards prescribed by the state board under W.S. 21-2-304(a)(iii). Reviews undertaken pursuant to this paragraph, together with findings, shall be reported to the state board and any deficiencies determined by the review shall be addressed through the statewide system of support established under W.S. $\frac{21-2-204(f)}{21-2-204(h)}$.

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:

(viii) English language proficiency as measured by student longitudinal progress on the Wyoming English language proficiency assessments used to evaluate and monitor the English language proficiency of students identified as English language learners.

- (e) The state board, through the department of education, shall establish long term and interim performance targets for all Wyoming schools for the indicators measured pursuant to subsection (c) of this section. The performance targets shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. The state board shall utilize the performance targets in carrying out the duties and the deliberative process required under subsection (f) of this section.
- (e)(f) The state board, through the department of education, shall compile, evaluate and determine the target levels for an overall school performance rating and for content indicator level performance. The board shall execute this determination when a significant aspect of the school accountability system changes or based upon periodic review of the system that requires evaluation of the target and indicator levels for school performance ratings through a prescribed deliberative process informed by a panel comprised of broad based representation from both public education and the community at-large. The target levels for school performance on all performance indicators measured under subsection (c) of this section shall conform to the January 2012 education accountability report as defined by subsection $\frac{(k)}{(m)}$ of this section and shall be used by the state board through the department to:
- (i) Identify four (4) levels of school performance tied to the overall school performance rating that demonstrate a range of performance levels as follows:
- (A) Exceeding expectations including those schools performing above standards in all measured areas;

- (B) Meeting expectations;
- (C) Partially meeting expectations; and
- (D) Not meeting expectations.
- (ii) Further measure performance specified under paragraph (i) of this subsection by identifying content indicator level performance in all areas specified by subsection (c) of this section and from this analysis determine schools that are exceeding, meeting or are below targets in each content area;
- (iii) Coordinate the target levels, school and determinations content —indicator level with availability of the system of support, including comprehensive and targeted support and interventions and consequences administered in accordance with subsection (f) (h) of this section.
- (f)(h) A progressive multi-tiered system of supportand intervention and consequences—to assist schools shall be established by the state board, and shall conform to the January 2012 education accountability report as defined by subsection (k) (m) of this section. The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and intervention. and consequence. Commencing with school year 2014-2015, and each school year thereafter, the state superintendent shall take action based upon system results according to the following:
 - (i) Repealed By Laws 2012, Ch. 101, § 2.
 - (ii) Repealed By Laws 2012, Ch. 101, § 2.

- (iii) Schools designated as exceeding expectations shall file a communication plan with the school district superintendent and the department to document effective practices and to communicate effective practices with other schools in the state;
- (iv) Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The state superintendent shall appoint a representative in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as
 contained in the school's plan. The representative shall assist the district, if requested, in identifying and securing the necessary resources to support the goals as stated by the school and the district;
- (v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection with the school district superintendent and the department that identifies and addresses all content and indicator areas where performance is below target levels. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

improvement goals with an explanation of the measures and methods chosen for improvement, the processes to to deliver implemented the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The state superintendent shall appoint a representative in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of this subsection;

Schools designated as not expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies addresses all content and indicator areas performance is below target levels. In addition, evaluation of a district's student assessment system as provided by paragraph (vii) of this subsection may undertaken in that school year immediately following any school year in which a school within the district has been designated not meeting expectations. as The superintendent shall appoint a representative in accordance with paragraph (vii) of this subsection to assist drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall recommended by the school district superintendent

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

approved by the local board of trustees prior to submission to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance;

(vii) A representative shall be appointed by the state superintendent, in consultation with the local board of trustees, for all schools designated under paragraphs (iv) through (v) and (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may require more than one (1) individual for schools requiring substantial intervention and support. Additionally, one (1) representative may be assigned to more than one (1) school. Among other duties as may be requested by the district or department, the representative shall review and provide suggestions on the improvement plans submitted by schools in accordance with paragraphs (iv) through (v) and (vi) of this subsection, review and evaluate district student assessment systems 21-3-110(a)(xxiv)implemented under W.S. to ensure with the uniform state education standards. alignment After one (1) year of a school not meeting expectations under paragraph (vi) of this subsection, approval of the improvement plan by the representative appointed under this subsection shall be required. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan.

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention, and support and consequences to be administered under this subsection. The state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section;

(viii) To the extent permitted by law and rule regulation, plans submitted in compliance paragraphs (iii) through (v) and (vi) of this subsection serve to comply with similar requirements administered by the state superintendent and department, and the state board shall ensure the plans minimize submission of duplicative information, material and the administrative burdens placed upon schools. addition, the following shall apply to the plans submitted under this subsection:

(A) All plans submitted under this subsection shall be made available for public inspection through internet access as defined by W.S. 9-2-1035(a)(iii);

expectations under paragraph (v) of this subsection or designated as not meeting expectations under paragraph (vi) of this subsection shall file the required improvement plan the first year of designation and submit yearly updates on the progress towards the goals and strategies outlined in

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

the improvement plan so long as the school maintains the same performance designation.

- (ix) In addition to paragraphs $\frac{\text{(iii)}}{\text{(v)}}$ through (viii) of this subsection, the state board shall administer this subsection as part of school district accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).
- (h)(j) Measured performance results obtained and to this section, collected pursuant together subsequent actions responding to results, shall be combined with other information and measures maintained and acquired 21-2-202(a)(xxi), 21-2-304(a)(v)(H), W.S. 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide system shall include accountability а process consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. In establishing a reporting system under this subsection, the department shall describe the performance of each public school in Wyoming. The performance report shall:
- (i) Include an overall school performance rating along with ratings for each of the indicators and content levels in the accountability system that:
- $\mbox{\ensuremath{(A)}}$ Supports the overall school performance rating; and

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

- (B) Provides detailed information for analysis of school performance on the various components of the system.
- (ii) manner to maintain student In а confidentiality, be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, of subgroups students shall include minimum, at economically disadvantaged students, English language learners, identified racial and ethnic groups and students with disabilities;
- (iii) Provide longitudinal information to track student performance on a school, district and statewide basis;
- (iv) Include, through the use of data visualization techniques, the development of longitudinal student-level reports of assessment and other relevant readiness indicators that provide information to parents, teachers and other school personnel regarding student progress toward college and career readiness and other relevant outcomes. These reports shall be maintained by the district in each student's permanent record within the district's student data system; and
- (v) Provide valid and reliable data on the operation and impact of the accountability system established under this section for use by the legislature to analyze system effectiveness and to identify system improvements that may be necessary.
- $\frac{(j)(k)}{(k)}$ Beginning school year 2014-2015, and each school year thereafter, the state board shall through the

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

state superintendent, annually review the education accountability system, including but not limited to a review of the appropriateness of the performance indicators, the measures used to demonstrate performance, the methods used to calculate school performance, target levels and statewide, district and school attainment levels and the system of supportintervention. and consequences. Not later than September 1, 2015, and each September 1 thereafter, the state board shall report to the joint education interim committee on the information required under this subsection and the results of the accountability system for each school in the state.

(k)(m) As used in this section, the "January 2012 education accountability report" means the report prepared by legislative consultants submitted to and approved by the legislature that addresses phase one of the statewide accountability in education system and establishes the design framework for this system. The report is on file with and available for public inspection from the legislative service office.

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

(a) The state board of education shall:

(vi) Subject to and in accordance with W.S. 21-2-204, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate achievement, growth, readiness and equity as required by W.S. 21-2-204. The state board shall establish performance targets as

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

required by W.S. $\frac{21-2-204(e)}{21-2-204(f)}$, establish a progressive multi-tiered system of supports and interventions and consequences as required bу $\frac{21-2-204(f)}{21-2-204(h)}$ and shall establish a statewide reporting system pursuant to W.S. $\frac{21-2-204(h)}{21-2-204(j)}$. The system created shall conform to the January 2012 education accountability report defined by W.S. as 21-2-204(k) 21-2-204(m). In addition As part of the statewide accountability system, and for purposes complying with requirements under the federal No Child Left Behind Act of 2001 Every Student Succeeds Act, the board by rule and regulation provide for accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences interventions and supports resulting from accountability determinations;

21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.

- (a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:
- (iv) The district shall provide evidence to the state superintendent that the district has maintained an average student-teacher ratio of not greater than sixteen (16) to one (1) for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding school year. The requirement of this paragraph may be waived by the department of education for any district that demonstrates insufficient school facility capacity, positive school performance, positive student

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

achievement or for other reasons related to the delivery of the education program to students. This paragraph shall apply to charter schools established under W.S. 21-3-301 through 21-3-314 or schools designated exceeding expectations pursuant to W.S. 21 2 204(e)(i)(A) 21-2-204(f)(i)(A). Schools designated as exceeding 21 2 204(e)(i)(A) expectations pursuant W.S. to 21-2-204(f)(i)(A) shall notify the department annually of the student teacher ratios for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding year. The department shall compute the student-teacher ratio and report it to each district not later than March 1 of each year. To obtain a waiver under this paragraph, a school district shall apply to department not later than March 15 of each year. application shall be based on the student-teacher ratio reported by the department of education, together with any information required by the department. department shall approve or deny an application for a waiver under this paragraph not later than April 10 of that A waiver approved under this paragraph shall be effective for the school year immediately following the application and approval.

Section 2. W.S. 21-2-204(c)(i), (iv) and (vii), as amended by 2016 Wyoming Session Laws, Chapter 113, Section 1, is amended to read:

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

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

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 English language arts and mathematics as measured by assessments administered under paragraph (ii) of this subsection, beginning in grade four (4) and for all subsequent grades for which a state summative achievement assessment is administered in the immediately preceding grade, including a standardized college readiness test in grade eleven (11);
- (iv) Post secondary readiness, as defined to include college readiness and career readiness. School level performance shall be based upon the percentage of students meeting either college or career readiness. College readiness shall be measured by a standardized 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 and other college readiness indicators as determined by the state board of education in consultation with the state superintendent. Career readiness shall be measured by student performance in accordance with other provisions of this title determined by the state board of education in consultation with the state superintendent;

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

(vii) Equity as defined by a measure of academic student growth for nonproficient students that score below the proficient standard in 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;

Section 3. W.S. 21-2-204(c)(ii)(B) is repealed.

Section 4. 2016 Wyoming Session Laws, Chapter 108, Section 3 and 2016 Wyoming Session Laws, Chapter 113, Section 3(a) are repealed.

Section 5. W.S. 21-2-204(f)(iii) and (iv) renumbered in Section 1 of this act as (h)(iii) and (iv) is repealed.

Section 6. Notwithstanding 2016 Wyoming Session Laws, Chapter 113, Section 3(b), the advisory committee to the joint education interim committee shall continue to exist and shall assist the joint education interim committee as the committee deems necessary through December 31, The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(d), as amended by 2013 Wyoming Session Laws, Chapter 195, Section 3 and 2015 Wyoming Session Laws, Chapter 30, Section 5, shall continue to serve on the advisory committee. The advisory committee shall also include up to two (2) members of the house education committee appointed by the speaker of the house of representatives and up to two (2) members of the senate education committee appointed by the president of senate. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed or

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

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 2016 Wyoming Session Laws, Chapter 113, Section 6(b). The department of education shall staff the advisory committee. The department of education may retain consultants as necessary to staff and advise the advisory committee.

Section 7.

- The advisory committee to the joint education (a) shall consider development interim committee additional indicator or indicators to measure school success quality or student as part of the Wyoming Accountability in Education Act. Not later than August 15, 2017, the advisory committee shall report to the joint committee recommendations education interim additional indicator or indicators. The report include identification of any enabling legislation that may be necessary.
- The state board of education shall identify the measures and method to determine post secondary readiness required under W.S. 21-2-204(c)(iv) as amended by section 2 of this act. Not later than August 15, 2017, the state board shall report to the joint education interim committee the methods and process recommended to determine post secondary readiness. The methods and process shall to recommendations provided by the committee to the joint education interim committee. The report shall include identification of any legislation that may be necessary.

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

(c) The state board, through the department of education, shall conduct the deliberative process required under W.S. 21-2-204(f) as amended by section 1 of this act to set the target and indicator levels to determine the overall school performance ratings for school year 2017-2018. The state board shall include documentation and explanation of the deliberative process and benchmarks established in the September 1, 2018 report required under W.S. 21-2-204(j) as amended by section 1 of this act.

Section 8. 2016 Wyoming Session Laws, Chapter 108, Section 1(a), (d) and (e), Section 2 (a) and (c), Section 4(a) and (b) are amended to read:

Section 1.

The department of education shall commence development of an alternative school level accountability model to be piloted in school year 2016-2017. The model shall adhere, as closely as possible, to the recommendations contained in the "Wyoming Alternative School Accountability Framework: Recommendations from the Alternative Accountability Advisory report 15, Committee" dated October submitted by the technical advisory pursuant to 2015 Wyoming Session Laws, Chapter Section 5, to the select committee on statewide education accountability, and by the additional recommendations technical advisory group in carrying out the required by this act. The department of education shall periodically report progress on development of the pilot required under this subsection to

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

the technical advisory group, the select committee on statewide education accountability and the joint education interim committee. Data from the alternative schools operating in Wyoming pursuant to W.S. 21-13-309(m)(v)(B) shall be utilized to perform the pilot. The department of education may retain consultants as necessary to develop the model and pilot required under this subsection.

(d) Not later than school year 2017-2018, state board of education, through the department, and with the assistance of technical advisory group, shall compile, evaluate and determine the target levels for an overall school performance rating and for content level performance that are appropriate for alternative schools operating pursuant to 21-13-309(m)(v)(B). The board shall execute this determination through a prescribed deliberative informed by panel comprised process a professionals with the appropriate expertise to establish target levels for performance appropriately distinguish recognize and varied levels of school performance associated specifically with the operation of alternative schools as measured by the indicators contained in subsection (b) of this section. Performance level targets shall be established to identify levels alternative school performance exceeding expectations, meeting expectations, partially meeting expectations and not meeting expectations. The state board shall periodically to the select committee on statewide education accountability and the joint education

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

interim committee on the progress related to setting target levels associated with school performance rating required under this subsection and a final report shall be submitted no later than October 15, 2018.

The state board of education shall, in consultation with the technical advisory group, study and develop recommendations related to the progressive multi-tiered system of support, interventions and consequences required under W.S. 21-2-204(f) specifically targeted to assist alternative schools, as necessary, for the four levels of school performance established under subsection (d) of this section. The state board shall report any recommendations for modification, as may be necessary, pursuant to this subsection, to the select committee on statewide accountability and the joint education interim committee, no later than October 15, 2018.

Section 2.

(a) Notwithstanding 2015 Wyoming Laws, Chapter 179, Section 5(a), the alternative school technical advisory group shall continue to assist. the select committee on statewide education accountability joint education interim committee as the select committee deems necessary through December 31, 2018. The technical advisory group shall review and provide necessary feedback state education the board of and department of education as necessary in carrying

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

out the duties assigned under section 1 of this act.

(c) The legislative service office department of education shall staff the technical advisory group. The legislative service office department of education may retain consultants as necessary to staff and advise the technical advisory group and the select committee on statewide education accountability in execution of the duties prescribed under this act. The management council may expend funds appropriated by the legislature for approved contractual agreements between the council and professional consultants on behalf of the select committee.

Section 4.

(a) For the period beginning upon the effective date of this section and ending June 2019, six thousand five hundred dollars (\$6,500.00) is appropriated from the school foundation program account to the state board of education to convene the panel of professionals, required under section 1(d) of this act, to set target performance levels. This appropriation may be expended for per diem and mileage of any member who serves on the panel of professionals. The amounts appropriated under this subsection shall not be expended to secure meeting space or to pay for food, beverage or catering services. Any member appointed or serving on the panel who is not an employee of a governmental subdivision or a member of a political subdivision, board or commission shall receive per diem and mileage in

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

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, 2019. Not later than December 31, 2018, the state board shall report expenditures of amounts appropriated under this subsection to the select committee on statewide education accountability and the joint education interim committee.

(b) For the period beginning upon the effective date of this section and ending June 2019, three thousand five hundred dollars is appropriated from the (\$3,500.00)school foundation program account to the state board of education to provide support and administration of the technical advisory group continued under section 2 of this act. This appropriation may be expended for per diem and mileage of the technical advisory The group. amounts appropriated under this subsection shall not be expended to secure meeting space or to pay for food, beverage or catering services. Any member appointed or serving on a committee who is not an employee of a governmental subdivision or member of a political subdivision, board or commission shall receive per diem and mileage 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

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

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, 2019. Not later than December 31, 2018, the state board shall report expenditures of amounts appropriated under this subsection to the select committee on statewide education accountability and the joint education interim committee.

Section 9.

(a) Sections 4, 6, 7 and 8 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.

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING 2017 GENERAL SESSION

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			(EN	D)						
Speaker o	of the H	ouse	_		Pre	sident	of	the	Ser	ate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk