

Wyoming Legislature

Committee Meeting Summary of Proceedings

Management Audit Committee

February 4, 2010
Capitol Building, Room 302
Cheyenne, Wyoming

Meeting Attendance

Committee Members Present

Representative David Miller, Chairman
Senator John Hines, Vice Chairman

Senator Bruce Burns
Senator Floyd Esquibel
Senator Tony Ross
Senator John Schiffer
Senator Kathryn Sessions

Representative James Byrd
Representative Michael Madden
Representative John Patton
Representative Bill Thompson

Committee Member Absent

None

Legislative Service Office

Gerald W. Hoppmann, Program Evaluation Manager; Michael Swank, Supervising Senior Program Evaluator; Karla Smith and Joy Hill, Program Evaluators; William Freeman and Michelle Garcia, Associate Program Evaluators.

Others Present

Please refer to Appendix 1.

Written Meeting Materials and Handouts

All meeting materials and handouts provided to the Committee by the Legislative Service Office (LSO) and public officials are referenced in the Meeting Materials Index, attached to the minutes. These materials are on file at the LSO and are part of the official record of the meeting.

Open Session

Call to Order

Representative David Miller, Management Audit Committee Chairman, called the meeting to order at 8:00 a.m. The following sections summarize the Committee proceedings by topic. Please refer to Appendix 2 to review the Committee Meeting Agenda.

Approval of Minutes

Representative Patton made a motion to amend the wording in the July minutes re: the PAWS Scoping Paper, to accurately reflect his suggestion to include examination of the possibility of using existing alternative assessments in place of PAWS, as part of a potential audit scope. Subsequently, Senator Hines moved approval of the minutes from the July 30 and 31, 2009 meeting. Representative Byrd seconded. Each motion carried.

Executive Session

Reading Assessment and Intervention

Per W.S. 28-8-107(c), Chairman Miller moved the Committee into Executive Session for consideration of a staff presentation on the draft report, *Reading Assessment and Intervention Program*. The Committee also discussed the report's findings and recommendations with officials from the Department and the Office.

Open Session: Reading Assessment and Intervention report

Chairman Miller moved the Committee into Open Session.

The Committee discussed the repealed language of W.S. 21-13-333(d), which prior to 2005, required districts to submit expenditure reports to WDE. It also discussed the pros and cons of whether to draft language for a bill, which would require the submission of expenditure reports as part of W.S. 21-3-401(b), given pending recalibration.

The Committee requested that staff prepare a bill for its consideration, which was presented to the Committee for review. Representative Byrd made a motion for staff to file the bill on behalf of the Committee. The motion was seconded by Senator Ross. The motion carried.

Senator Ross moved for staff to prepare a letter on its behalf, to WDE and to the local school districts; also copying the local school boards, directing WDE to work with the Data Advisory Committee to carry out the recommendations in the audit, with respect to more consistent reporting of programmatic, as well as expenditure data. The motion was seconded by Representative Thompson. The motion carried. Subsequently, the Committee reviewed and approved the letter to be sent by staff.

Mr. Hoppmann informed the Committee that LSO is receiving bids for final printing of both reports. And, that both reports would be ready for public distribution within the week. Representative Patton made a motion to release the *Reading Assessment and Intervention Program Report* on Friday, February 12th, 2010. The motion was seconded by Representative Madden. The motion carried.

Executive Session

Victim Services Division Phase II

Per W.S. 28-8-107(c), Chairman Miller moved the Committee into Executive Session for consideration of a staff presentation on the draft report, *Victim Services Division, Phase II*. The Committee also discussed the report's findings and recommendations with officials from the Victim Services Division and the Wyoming Office of the Attorney General.

Open Session: DVS Phase II

Chairman Miller moved the Committee into Open Session. The Committee commenced with additional questions for the agency officials.

The Committee asked the Attorney General to opine on what types of reactions could occur if the Legislature introduced a bill requiring a “statewide” unduplicated count. He responded that more than likely, resistance would come from statewide providers, as well as the federal government. The Committee further inquired as to whether or not the Attorney General would accept one of the “statistical approximation” methods put forth by the federal government. He commented that the question is what the Legislature desires; he enforces the law as directed by the Legislature. He also stated that if a “statistical approximation” is required by the Legislature, he would not disagree.

In response to the WyoSAFE encryption problem, members of the Committee commented that during hard times, programs need to prove they are providing the proper services with appropriate State funds. However, the Attorney General stated that as a result of the audit, there was a question as to how useful unique identifiers are, with respect to tying back to specific services provided to crime victims.

Senator Ross moved for the release of *Victim Services Division, Phase II* report, on February 12, 2010. The motion was seconded by Representative Byrd. The motion passed.

Finally, the Committee asked the Attorney General if it took no legislative action at this time, whether the State would be in danger of losing federal funding. He indicated that federal funds are not at risk, as long as his instructions to the Victim Services Division are followed, to allow programs to continue using the anonymous function. He further stated that he was aware of “footnote” language to the Budget bill, which would address the issue. He also stated he would keep informed as to the language of the bill, related to unduplicated count.

The Committee requested additional information on “statistical approximation” and other information related to selected findings in the report, as it becomes available.

Follow up: July 2009 DVS Phase I report

Bruce Salzburg, Attorney General, and Laura Gorny, Chief Fiscal Officer, provided the Committee with an update on the progress made in response to the findings and recommendations contained in the *Victim Services Division Phase I* report.

Ms. Gorny reported to the Committee that as grants are closed out and fund balances are depleted, budget units will be deleted from the chart of accounts. She indicated that ultimately, DVS will go from roughly 40 units to 11 budget units. In addition, it will reduce the use of the B-11 process for BFY 2011, by ensuring requested appropriations are sufficient. The fiscal

office is also limiting the use of Budget Unit 901, only for surcharge revenue. Previously, it used this budget unit as a “staging” account for federal funds prior to their disbursement, which caused difficulties tracking various funds. Rather, it will use appropriate budget units for receipt and disbursement of federal funds to service providers, effective July 1, 2010. The fiscal office is also making sure to clean up budget language, as well as making improvements related to interactions between the fiscal office and the Victim Services Division. Ms. Gorny further stated that she will be participating in training on InfoAdvantage, so she can run “extracts” from information in WOLFS.

The Committee questioned the use of multiple budget units for federal and State funding. She informed the Committee that for federal funding there has to be separate budgets to clearly identify and separately track the funding. Only four of the budgets are for State funding.

Proficiency Assessment for Wyoming Students scoping paper presentation

Program Evaluation staff presented a scoping paper entitled *Proficiency Assessment for Wyoming Students (PAWS)*, which provided background information about the assessment.

The Committee asked about how staff will obtain feedback on the PAWS examination from administrators, superintendents, etc. during the audit. Mr. Hoppmann discussed with the Committee that staff will visit with administrators and superintendents and develop surveys based on the focus and direction provided by the Committee.

The Committee expressed concern regarding the No Child Left Behind overhaul that is expected by the federal government. Mr. Hoppmann indicated that reauthorization will more than likely change the statewide examination, but that at this point, States have no choice but to continue using current exams, based on the current standards.

In response to a Committee question about the length of PAWS, Mary Kay Hill, WDE, informed the Committee that the test is currently a total of nine (9) hours. The Committee expressed interest that staff should examine alternatives to PAWS, including Measures of Academic Progress (MAP), which is not a 9 hour test. Another example would be AIMSweb. The Committee also expressed interest in identifying tests that are more child and teacher friendly, but that are not as expensive as PAWS has been.

During the PAWS scoping paper presentation, staff commented that the English Language Learner (ELL) test had been abandoned, but that WDE was looking for another test to take its place. The Committee inquired as to why that test was abandoned. Mary Kay Hill, WDE, informed the Committee that the test was dropped as it went through 10% budget reductions. Overall, WDE saved approximately \$900,000 annually, as a result. She further commented that this review could be very timely and that the Committee may want to consider looking at standards for college readiness and career readiness as well.

Wyoming Department of Employment, Division of Unemployment Insurance scoping paper presentation

Program Evaluation staff presented a scoping paper entitled *Unemployment Insurance Division*, which provided background information on the customer service aspect of the UI Division.

The Committee expressed interest in the timeliness of the appeals process and potential for scam operations associated with the ReliaCard, on which the unemployment insurance funds are deposited for each applicant.

Program Evaluation staff discussed potential evaluation focus with the Committee including how the division manages accounts receivables, as well as collection of UI taxes.

Other Business

Update: Office of State Lands & Investments

Program Evaluation staff provided an update on the OSLI audit. More specifically, staff discussed a serious scope limitation and associated risks, related to OSLI's databases, which has caused the project to be pushed back. And, that the project has required a large amount of manual time on the part of OSLI.

Proposed New Audit Topics (Scoping Papers)

Representative Patton moved that PAWS be selected as a full audit. The motion was seconded by Senator Schiffer. The motion passed.

Representative Byrd moved that the Unemployment Insurance Division move forward as a full audit. The motion was seconded by Senator Ross. The motion passed.

Mr. Hoppmann informed the Committee that the Program Evaluation Section is now fully staffed, and can move forward with both audits, as well as the completion of two additional scoping papers.

Selection of new topics: Scoping papers

The Committee asked Program Evaluation to prepare two scoping papers:

Administration & Information's Information Technology Division:

Specifically, the Committee commented that the State deals with many contracts and it currently takes 120 days for review by ITD. This can be a disincentive for small start up businesses and firms to come into the state, and we need to be encouraging development of the information technology industry. In addition, the Committee commented that through the most recent audits, it has heard concern with respect to ITD services and computer systems. Senator Schiffer moved that staff prepare a scoping on Department of A&I, ITD. The motion carried.

DFS personnel and duplication in agency structure:

Representative Byrd moved that staff conduct a scoping paper on duplication within DFS and other agencies. After some discussion, Senator Esquibel seconded the motion. The motion carried. **Note:** However, as a result of an email vote after the meeting, staff was directed to prepare a scoping paper on the collection of statewide restitution.

Next Meeting Date

Chairman Miller will coordinate with staff on the exact date of the next meeting, tentatively set for later in May 2010 for OSLI.

Meeting Adjournment

There being no further business, Chairman Miller thanked participants and adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Representative David Miller, Chairman

Wyoming Legislature

Committee Meeting Materials Index

Management Audit Committee

February 4, 2010
Room 302, Capitol Building
Cheyenne, Wyoming

All meeting materials and handouts provided to the Committee by the Legislative Service Office (LSO), public officials, lobbyists, and the public are referenced in the Meeting Materials Index. The table below provides a summary of the materials provided to the Committee. These materials are on file at the LSO and are part of the official record of the meeting. Please contact the LSO at 307-777-7881 to review these documents.

Appendix	Appendix Topic	Appendix Description	Appendix Provided By
1	Attendance summary	Lists meeting attendees other than legislators and staff	Legislative Service Office
2	Committee meeting agenda	Provides a general outline of the topics the Committee planned to address at meeting	Legislative Service Office
3	Reading Assessment and Intervention report	Draft audit report – Reading Assessment and Intervention report	Legislative Service Office
4	Reading Assessment and Intervention report	Letter to FVPSA from Representative Rosie Berger	Wyoming Department of Education
5	Division of Victim Services: Phase II report	Draft audit report – Division of Victim Services Phase II	Legislative Service Office
6	Division of Victim Services Phase I update	Letter from Attorney General's Office	Attorney General's Office
7	Scoping Papers	Proficiency Assessment of Wyoming Students (PAWS)	Legislative Service Office
8	Scoping Papers	Unemployment Insurance Division	Legislative Service Office

List of Attendees

Executive Session

Report on *Reading Assessment and Intervention Program*

Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

Mary Kay Hill, Director, Administration Unit

Kay Post, Director, Educational Quality and Accountability Unit

Jillian Balow, Reading First Coordinator

Report on the *Victim Services Division Phase II*

Attorney General's Office

Bruce Salzburg, Attorney General

Elizabeth Gagen, Deputy Attorney General

Julie Tennent-Caine, Director, Victim Services Division

Sean Brazzale, Deputy Director, Victim Services Division

Laura Gorny, Chief Fiscal Officer, Attorney General's Office

Open Session

Update on *Victim Services Division Phase I* report

Attorney General's Office

Bruce Salzburg, Attorney General

Elizabeth Gagen, Deputy Attorney General

Julie Tennent-Caine, Director, Victim Services Division

Sean Brazzale, Deputy Director, Victim Services Division

Laura Gorny, Chief Fiscal Officer, Attorney General's Office

Others

Senator John Hastert, Senate District 13

Mike Todd, Wyoming Department of Employment

Jennie Trefren, Intern for Representative Byrd

Suzan Pay, WLA DVSA

AGENDA

**Management Audit Committee
July 30 and 31, 2009
Room 302, Capitol Building
Cheyenne, WY
8:30 a.m.**

OPEN SESSION

8:00 a.m. Call to order
Elections of officers & appointment of additional member
Approval of minutes from July 30th and 31st meeting
New staff introduction

(Times approximate)

EXECUTIVE SESSION [per W.S. 28-8-107(c)]

8:15 a.m. Staff presentation of draft report on *Reading Assessment and Intervention Program*
Committee questions and discussion

9:15 a.m. Break

EXECUTIVE SESSION [per W.S. 28-8-107(c)]

9:30 a.m. Wyoming Department of Education
Dr. Jim McBride, Superintendent
Mary Kay Hill, Director, Administration Unit
Kay Post, Director, Educational Quality and Accountability Unit
Jillian Balow, Reading First Coordinator
Committee questions
Agency officials depart
Committee discussion

OPEN SESSION

10:30 a.m. Committee votes on release of *Reading Assessment and Intervention* report
Committee takes action related to release of report

EXECUTIVE SESSION [per W.S. 28-8-107(c)]

10:45 a.m. Staff presentation of draft report on *Victim Services Division: Phase II*
Committee questions and discussion

11:45 a.m. Lunch Break

OPEN SESSION

1:00 p.m. Call to order

EXECUTIVE SESSION [per W.S. 28-8-107(c)]

1:05 p.m. Office of the Attorney General officials meet with Committee
Bruce A. Salzburg, Attorney General
Elizabeth C. Gagen, Chief Deputy Attorney General
Laura Gorny, Office of Attorney General, Chief Fiscal Officer
Julie Tennant-Caine, Victim Services Division, Director
Sean Brazzale, Victim Services Division, Deputy Director
Committee questions
Agency officials depart
Committee discussion

OPEN SESSION

2:15 p.m. Committee votes on release of *Victim Services Division: Phase II* report
Committee takes action related to release of report

2:30 p.m. Follow-up on *Victim Services Division: Phase I* report from July 2009
(Special request for follow-up by Committee)
Office of the Attorney General officials meet with Committee
Bruce A. Salzburg, Attorney General
Elizabeth C. Gagen, Chief Deputy Attorney General
Laura Gorny, Office of Attorney General, Chief Fiscal Officer
Julie Tennant-Caine, Victim Services Division, Director
Sean Brazzale, Victim Services Division, Deputy Director
Committee questions and discussion

3:15 p.m. Break

3:30 p.m. Staff presentations on scoping papers
Proficiency Assessment for Wyoming Students (PAWS)
Committee questions and discussion

Wyoming Department of Employment, Division of Unemployment Insurance
Committee questions and discussion

4:30 p.m. Other business
Update on work in progress
Office of State Lands and Investments
Discussion and vote on new audit topics

ADJOURN