

Minutes of the Joint Legislative Oversight Committee

February 10, 2022

Room EW42, Capitol, Boise, Idaho



Cochair Representative Ilana Rubel called the meeting to order at 4:50 p.m. Attending the meeting were Senators Mark Harris (cochair), Dave Lent, David Nelson, Representatives Caroline Nilsson Troy, and Steve Berch. Also present were Rakesh Mohan, director and other staff from the Office of Performance Evaluations (OPE). Audience members included:

Cameron Gilliland, administrator, Division of Family and Community Services
Lance McCleve, Division of Family and Community Services
Andie Blackwood, Division of Family and Community Services
Matt Freeman, executive director, Idaho State Board of Education
Peter McPherson, deputy chief superintendent, Department of Education
Dr. Joel Wilson, Department of Education
Christine Pisani, Idaho Council of Developmental Disabilities
Kevin Richert, reporter, Idaho Education News

Approval of minutes from January 27, 2022

Senator Harris moved to approve the minutes from January 27th, 2021. Representative Berch seconded the motion, and it passed by voice vote.

Report presentation: *Investments in Postsecondary Education*

Rakesh Mohan said that the committee released the report in June of 2021, noting that committee members Senators Harris and Stennett, and Representatives Troy and Amador were among the project requesters. Rakesh explained that the lead evaluator on the project, Lance McCleve, is no longer with OPE but was present in the audience. Jim Brock, an OPE consultant, would be presenting the evaluation via Zoom.

Jim thanked the committee, Rakesh, and Casey Petti, a senior evaluator with the office, for their work on the report. He explained that the evaluation focused on determining efficacy and return on investment for the Advanced Opportunities (AO) and Opportunity Scholarships (OS) programs. Jim summarized the programs, explaining that the number of AO and OS participants has increased by 200% while funding has increased by over 400% since 2016. He stated that OPE used a cohort methodology to analyze the progression of enrollment, retention, stop outs, and graduation for the high school graduating class of 2017. He mentioned some data limitations allowing OPE to analyze only a three-year window, explaining that analysis at four and six years would be valuable.

Jim summarized the report's findings on rates of student enrollment, stop outs, and graduations for the preliminary cohort. He mentioned that Idaho's neighboring states' readiness programs are comparatively similar. He concluded that both programs have unclear goals, measurable objectives, and definitions of program success, mentioning a focus on participation as opposed to outcomes. Jim presented policy considerations for the Legislature that included developing measurable goals and actionable objectives, continuing to track the cohort as it progresses, and tracking stop outs to increase program retention, incentivizing graduation, and collecting employment information on recent graduates.

Representative Troy expressed that the report is great and that she understands the limitations of the 6-year tracking. She asked if OPE thinks the program has been set up to track success? Is the state board tracking the things OPE suggests they do? Jim responded that there is more work that needs to be done, explaining that OPE has done as much analysis as possible with the available data. He explained that we are in the third year of what should be a 6-year process.

Representative Troy asked if we are keeping track of what kind of dual credit courses people are taking and if students have completed their required plans before going down the dual credit pathway. Jim responded that the state board of education is tasked with tracking dual credit enrollments. He doesn't know directly what all they are tracking but thinks this is something that could be followed-up on.

Representative Rubel asked if OPE had a control group to compare this cohort to, referencing a non-participant group in the same timeframe or a timeframe beforehand. Jim stated that Rubel's question was perfect. He explained that OPE spent a long time looking for this data and it was not available. He mentioned that the type of analysis suggested by Representative Rubel would be valuable.

Representative Berch asked if "stop out" has the same meaning as "drop out." Jim responded that "stop out" is a term that covers opt outs and students who may have transferred out of higher education. He explained that surveys would have been needed to get at why students are stopping out.

Representative Berch asked OPE had any proposed measurable goals and actionable objectives for the Legislature to consider. Jim responded that there are several goals and objectives that could be utilized. He explained that the most recent strategic plan of the State Board of Education outlines some of these options but does not necessarily connect them directly to the AO and SO programs.

Representative Rubel asked where non-respondents were recorded in OPE's findings. Jim responded that OPE did not survey the cohort participants but instead used a dataset from the Department of Education and State Board of Education that included anonymous IDs for all of the 2017 high school graduates.

Senator Lent expressed that this topic is dear to his heart. He explained that it is difficult to track program outcomes because it is hard to tell if the program is making the students look good, or if the students are making the program look good. He is concerned that these programs are examples of wanting to draw students to college even though most Idaho students don't graduate from college but still need more than just a high school education. He expressed concerns with the objectives of the program and advocated for outcome measures as opposed to process measures. Representative Rubel mentioned that it may be an inherent win when students take AP courses even if they do not continue on to college.

Senator Nelson asked if there is national data to compare Idaho's stop out rate for the scholarship programs to. Jim expressed that OPE attempted to compare Idaho's rates to national rates, but that data was limited. He believes further investigation may be needed.

Representative Berch expressed appreciation for Senator Lent's question. He asked if there is a sense of value in students participating in these programs even without completion? Jim responded that certainly there is value to the program. He expressed that he thinks that value could be measured in a better way. He doesn't think that OPE can make a value judgement on the benefits of the program until the cohort has been completed.

Representative Rubel called Matt Freeman to respond to the report.

Senator Lent commented that OS scholarships are needs based and wondered if Idaho could consider adding a needs-based component to the AO program? Representative Rubel responded that she likes that approach.

Matt Freeman, the executive director of the Idaho State Board of Education, expressed that the report only looks at one cohort, reiterating that the cohort only had access to the current AO program in their final year of high school and that only 3 years of postsecondary data was analyzed. He expressed that the State Board annually evaluates the dual credit and scholarship programs. He said they have established a causation between OS recipients and degree completion. He outlined that in 2016 the board released a report outlining where students go after they graduate, they are in the process of updating that report now.

Representative Berch asked if it would be reasonable to conclude that this evaluation should have been completed a few years later when more data is available, or if there is value from the report even considering its data limitations. Matt responded that while one could say the report is premature, it does raise some important questions.

Representative Rubel asked Rakesh to summarize potential actions that could be taken on the report before entertaining any motions. He does not believe the report was completed prematurely or requested by JLOC prematurely. He expressed that the different kinds of values discussed in today's meeting need to be decided by policymakers. Policymakers should first decide on the value and goals of these programs are, then it becomes possible to determine how and what data to collect. He does not think OPE is the right actor for that conversation. He proposed that JLOC ask the germane committees to host this discussion to iron out the purpose and values of these programs. He offered to have OPE present the report to those committees.

Senator Harris motioned that the Senate Education and House Education committees hear the report.

Representative Berch asked if it would be appropriate to look at this report as an interim report with a plan for further analysis after the cohort is complete. He agrees that this report is valuable and thinks there's further opportunity for value. Rakesh responded that a follow-up would be a good idea after some discussion in the germane committees and after the cohort is complete.

Representative Berch seconded the motion.

Senator Lent encourages expressed support for the idea that success can be thought of in many different ways, not just in terms of graduation from college. He mentioned measures like employment and other meaningful contributions to society.

Representative Troy commented that she sees similarities between education and criminal justice conversations. She suggested analyzing education data in conjunction with labor information and data from the colleges to better understand where investments are making a difference and how the Legislature can make informed decisions. There is frustration that these expensive programs do not have clear outcome expectations.

The motion passed by voice vote.

Report presentation: *Evaluation and Retention of Child Neglect Referrals*

Representative Rubel asked Rakesh to introduce the next report presentation. Rakesh explained that the committee had released the report in September of 2021. He said that the study was requested by the former House Judiciary Committee Chair, Rep. Lynn Luker and led by former OPE principal evaluator, Lance McCleve. Rakesh asked Amanda Bartlett, principal evaluator, to present the report.

Amanda began that this evaluation is the fourth evaluation on child welfare completed by OPE. She explained that there is a balance between child protection and parental rights. She summarized that the study requester wanted to understand the definition of neglect and how it is being applied as well as how referral information is being collected, used, and retained.

Amanda explained that there are two separate systems for storing information about child protection cases within child and family services. The first system, the child welfare data management system, is more internal and tracks intake referrals. If it is decided that further action is needed on a case, the child's information moves into the second more outward facing system, the child protection central registry. The central registry is used to track risk levels and is more heavily outlined in statute than the data management system. Both systems allow individuals to request their records from within the system. The central registry has an appeal process and a record retention schedule, whereas the data management system does not. OPE recommends the establishment of a retention schedule for the Child Welfare Data Management System. Idaho is one of only 6 states that does not have a schedule for records expungement. Amanda explained that the benefit of keeping the information is that it can be beneficial to social workers, and that the downside is that there is concern over how those files will be used. Through a review of 60 cases, OPE found that although referral history reviews were informative for social workers, they were not the primary reason for moving a case into the registry.

Amanda explained that there is no significant regional variation in evaluating reports of child neglect. She mentioned this is in part because the department has a central office. In 2019 there were 23,108 referrals with about half meeting the statutory definition of child maltreatment. She continued that Idaho is among the states with the most limited definition of neglect.

Representative Berch asked if the term "referrals" was referencing children that are referred from child welfare to child protection. Amanda explained that the term "referral" applies to a request made from a member of the public or other agency to the Division and Child and Family Services about the safety of a child. She mentioned that the terms "welfare" and "protection" get used interchangeably.

Representative Berch asked for clarification about half of those initial referrals that didn't meet the definition of child maltreatment. Amanda responded that child protection cases can originate from a number of different sources, explaining that at this stage the court has not necessarily gotten involved yet. Cases can end up in child protection through 211 calls, law enforcement, or through a petition to the court. Amanda explained that OPE's finding is discussing referrals that specifically made their way to the division not necessarily through the court, but that there could be overlap.

Amanda continued that the language from Idaho Code specifies that a neglected child does not have proper parental care and control, subsistence, medical care, or a parent who is able to provide proper care necessary for health, safety, or wellbeing. She explained that this does not refer to parental style differences but references actual or the imminent threat of harm. Social workers use a 14-factor assessment to determine if this definition is met. Idaho Code also specifies that the court has jurisdiction over children who are neglected, abused, or abandoned, or whose parents fail to provide a stable home environment. Amanda explained that the phrase

“stable home environment” is not defined in statute and is a phrase that could bring a child into care who would not necessarily meet the definition of neglect. This could be a way for a judge to use some discretion. The OPE presents the policy consideration that the Legislature consider clarifying the meaning of “failure to provide a stable home environment.” OPE’s policy considerations were not made because there is a present need for change. OPE’s policy considerations were made to highlight places in the system that would benefit from discussion to ensure that our policy aligns with the state’s intention.

Representative Rubel called Cameron Gilliland to respond to the report.

Cameron Gilliland, an administrator for the Division of Family and Community Services, thanked the committee, Rakesh, and the OPE team. He expressed that the OPE reports have had a hand in helping the division evolve their system, expressing the importance of oversight. He said the report raises valid concerns over the maintenance of historical referrals. The department is ready to support policymakers in their review of the recommendations and policy options the report provides.

Representative Rubel asked Rakesh to provide an overview of potential actions that could be taken on the report. Rakesh explained that a good next step would be for JLOC to recommend that the germane health and welfare committees and child protection oversight committee hear the report presentations and begin conversation in their committees.

Senator Nelson motioned that the Senate Health and Welfare Committee, the House Health and Welfare Committee, and the Child Protection Oversight Committee hear the report. Senator Lent seconded the motion and it passed by voice vote.

Other committee business

Rakesh explained that at the next committee meeting, JLOC should discuss closures and follow-ups of open evaluations. He also mentioned at the meeting action was not taken on the K-12 School Buildings report because there was not a quorum present. He explained that OPE had already presented to the Senate Education Committee and suggested that the committee could recommend a presentation to the House Education Committee.

Representative Berch commented that he had spoken with Representative Clow who seemed interested in having OPE present to the House Education Committee. He suggested that Rakesh follow-up directly with him. Rakesh responded that he would work with Chairman Clow.

The meeting adjourned at 6:05 p.m.