

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Thursday, March 12, 2020

TIME: 8:00 A.M.

PLACE: Room EW41

MEMBERS: Chairman Clow, Vice Chairman Kerby, Representatives Shepherd, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Goesling, Marshall, Raymond, Wisniewski, McCrostie, Abernathy, Berch

**ABSENT/
EXCUSED:** Rep. Shepherd

GUESTS: Tim Hill, Julie Oberle, Sherri Ybarra and Marilyn Whitney, SDE; Don Coberly, TVEP; Tracie Bent, OSBE; Harold Ott, Rural Schools

Chairman Clow called the meeting to order at 8:02 am.

Chairman Clow turned the gavel over to **Vice Chairman Kerby**.

H 625: **Chairman Clow** presented **H 625**, regarding the proposed transfer by JFAC of the Technology Services Unit (TSU) from the State Department of Education (SDE) to the State Board of Education (SBOE). The bill adds a new section of code to clarify that SDE's duties include management of Idaho System for Education Excellence (ISEE) data. He noted SDE has managed ISEE since its inception. He questioned whether the proposed transfer had been discussed or planned for by SDE or SBOE. SBOE oversees and manages all education policy, but SDE oversees all elementary and secondary school matters.

In response to Committee questions, **Chairman Clow** argued the legislature has delegated responsibility for ISEE to SDE, even though SBOE retains ultimate responsibility. He stated JFAC does not have the ability to make this transfer.

Debbie Critchfield, President, SBOE, said it was challenging to be in the middle of a conversation between two parts of the legislature. The Board has not met to discuss the proposed transfer. She stated the Board has oversight for all educational data in the state, but by virtue of staff and budget, the State Superintendent has been managing K-12 data. She noted conversations about having a seamless system for data have been ongoing, with the goal of removing barriers and making access to the data less frustrating. SBOE's primary interest is supporting students and institutions to use data to inform policy decisions.

State Superintendent Sherri Ybarra spoke in support of **H 625**. She explained how the K-12 data system is integrated with SBOE and stated separating ISEE data would require building an entirely new security system. She stated data is essential to the duties of SDE and noted TSU personnel are not strictly dedicated to ISEE and are often subject matter and business operations experts. She expressed concern about student and parental privacy rights and data security. She stated the proposed transfer was recommended with no public notice, testimony or input, and there is no clear reason or plan to make a change at this time.

Chris Campbell, Chief Technology Officer, SDE and **Dr. Cathleen McHugh**, Chief Research Officer, SBOE spoke about the roles and interaction of their teams. Mr. Campbell explained his team collects data from schools and makes it available to stakeholders, which includes SBOE staff and for records requests. His team does not use the data for research and analysis, nor is their responsibility limited to ISEE data. He stated both teams have an excellent working relationship.

Committee members inquired whether anything would change if **Mr. Campbell's** team had a different boss. **Superintendent Ybarra** stated there is currently no plan; such a change would affect personnel, but it is hard for staff to throw their supervisor under the bus. Mr. Campbell added that without a plan, his answer would be speculative, but splitting his team would mean certain staff would not be in the right spot.

In response to Committee questions, **Mr. Campbell** stated he believes his team provides complementary, not duplicative services, with **Dr. McHugh's** team. SDE collects the data for use by others. Dr. McHugh noted her team collects postsecondary data, but is a user of K-12 data, rather than a collector. They both stated they did not have concerns regarding data security.

Sen. Crabtree was called upon to discuss JFAC's thought process, as he made the motion to transfer TSU. He disputed that there is not a problem with the current system. He stated JFAC has the prerogative to do these kinds of things, unless they are in statute. They pulled TSU and data over to SBOE to be under one roof; this will create a more seamless system and eliminate the tug and pull between those who have the data and those who need it. He stated he has been waiting on data from SDE for months and argued SDE employees have to say everything is fine, because they like their paycheck. He called the proposed transfer a change in management, which occurs when you have problems in business.

In response to Committee questions, **Sen. Crabtree** said JFAC is the banker and he would expect the managers (SBOE) to resolve any problems stemming from the transfer. He stated this is a well-known problem and JFAC took charge of trying to make a change, rather than continue to try the same thing and expect a different result. He has heard from districts over time and communicated throughout this process. Once superintendents find out it's only a change of management, but the service will remain the same, their concerns go away. He stated there was no intent by JFAC to reduce salaries; this is an effort to increase efficiency with the same dollars.

Committee members questioned **Mr. Campbell** about how the proposed transfer would affect users of ISEE data. He stated a new security model would have to be built to separate ISEE data from other SDE applications. He explained when issues arise with data accuracy, his team works with districts to resubmit their data. The number of people involved depends on the issue, but he works extensively with the public school finance team at SDE, along with dozens of other SDE employees.

Marilyn Whitney, Deputy Superintendent for Communications and Policy, SDE, stated there has been much discussion on data and data management, but there have never been formal discussions or a plan to transfer TSU to SBOE.

Don Coberly, Co-CEO, RISE Education Partnership, former Boise School District Superintendent, spoke **in support** of the bill. He testified SDE always responds promptly to his data requests with full, accurate data. He said he believes data management functions are appropriate place and well operated.

Chairman Clow was recognized to close testimony on **H 625**. He stated the hearing showed there are many questions to be asked and answered, which does not happen in the JFAC process. He stated JFAC does not have the authority to make such a change without the direct request of the SDE and discussed problems he has had obtaining information from JFAC. He suggested holding the bill in Committee at the call of the chair.

Sen. Crabtree was called upon to discuss the motion made in JFAC and requests for information from legislators. He stated the education budget working group vetted the motion first and it was clear this was not a policy change. He noted the motion passed JFAC 15-5 and clarified he had not personally been asked for any information. He noted germane committees always have the opportunity to address policy.

MOTION:

Rep. Raymond made a motion to **HOLD H 625** in Committee at the call of the chair, to honor the Chairman's request. He noted he was unaware of the proposed transfer; the Committee should have been notified because it regards two departments which they have responsibility for. He agreed there is no plan for the transfer and stated his superintendents are in favor of leaving TSU with SDE.

Rep. McCrostie spoke in support of the motion and the Chairman. He stated the minority party is often left out of conversations and this is disappointing. He expressed concern about disruption of service due to the proposed transfer and stated he would vote against the budget bills making this transfer.

Chairman Clow explained the purpose of today's meeting was to get the hearing that never occurred in JFAC. He stated his opinion that this is an issue for the germane committees and said he wants to hold the bill in Committee and watch what happens with the corresponding budget bills.

Rep. Marshall stated he could support the motion, but did not believe the proposed transfer would have any negative effects on data or security.

Rep. DeMordaunt stated that to increase accessibility the data should be with SBOE and JFAC acted appropriately. She said a plan would not be in place yet because the action has not yet occurred. She noted the Committee is very sensitive to student data and she had no fear of compromising security.

Rep. Berch stated such a transfer is always challenging and he has not heard of a specific problem that needs to be addressed.

Chairman Clow clarified he would wait to see what action the House takes. He emphasized there should be a plan for the transfer and the request should have come from SBOE to a germane committee.

VOTE ON MOTION:

Motion carried by unanimous voice vote.

Vice Chairman Kerby turned the gavel over to **Chairman Clow**.

S 1323aa:

Rep. Boyle presented **S 1323aa**. There is a loophole to earn a teaching certificate if someone has committed a serious felony against an adult, but not a child. The bill closes that loophole. She noted there are approximately thirty individuals who are felons that currently hold Idaho teaching certificates.

MOTION:

Rep. McCrostie made a motion to send **S 1323aa** to the floor with a **DO PASS** recommendation. **Motion carried by unanimous voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 10:03 am.

Representative Kerby
Chair

Erica McGinnis
Secretary