

Committee Report

REGULAR CALENDAR

February 11, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred HB 194,**

**AN ACT relative to the release of student assessment
information and data. Having considered the same,
report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Glenn Cordelli

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Education
Bill Number:	HB 194
Title:	relative to the release of student assessment information and data.
Date:	February 11, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0268h

STATEMENT OF INTENT

This bill is parent and local district support legislation. State assessments are mandated by federal legislation which also specifies that the results be provided to parents in a timely fashion. Not providing the results in a timely fashion also risks loss of federal funds. The results are also important information for parents on their child's achievement and growth. This bill simply provides the option for the Department of Education to have the testing agency send the results to the parents directly. This provision is already built into their contract along with data security provisions.

Vote 11-9.

Rep. Glenn Cordelli
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 194, relative to the release of student assessment information and data. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill is parent and local district support legislation. State assessments are mandated by federal legislation which also specifies that the results be provided to parents in a timely fashion. Not providing the results in a timely fashion also risks loss of federal funds. The results are also important information for parents on their child's achievement and growth. This bill simply provides the option for the Department of Education to have the testing agency send the results to the parents directly. This provision is already built into their contract along with data security provisions. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Education to which
was referred HB 194,**

**AN ACT relative to the release of student assessment
information and data. Having considered the same, and
being unable to agree with the Majority, report with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Cornell

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 194
Title:	relative to the release of student assessment information and data.
Date:	February 10, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The minority of the Education Committee feels this is an unnecessary bill that solves a problem that doesn't exist. This bill has the Department of Education (DOE) provide the testing entity with individual pupil names, unique pupil identifiers, and student addresses for the purpose of distributing assessment results. In New Hampshire, we value our privacy and this is a gross breach of privacy. According to the sponsor, parents are not getting the testing results in a timely manner or not at all. According to the DOE representative, in the fall of 2020, the department heard from about 25 parents who were displeased. In turn, the department sent a notice to the building administration and superintendent and offered support. Approximately 25 out of over 150,000 public school pupils had a problem. Schools have procedures in place to meet with parents/guardians to go over assessments and explain the results; this bill would take away that control. In conclusion, this is a bill to change a policy that is working and doesn't need fixing.

Rep. Patricia Cornell
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 194, relative to the release of student assessment information and data. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Cornell for the **Minority** of Education. The minority of the Education Committee feels this is an unnecessary bill that solves a problem that doesn't exist. This bill has the Department of Education (DOE) provide the testing entity with individual pupil names, unique pupil identifiers, and student addresses for the purpose of distributing assessment results. In New Hampshire, we value our privacy and this is a gross breach of privacy. According to the sponsor, parents are not getting the testing results in a timely manner or not at all. According to the DOE representative, in the fall of 2020, the department heard from about 25 parents who were displeased. In turn, the department sent a notice to the building administration and superintendent and offered support. Approximately 25 out of over 150,000 public school pupils had a problem. Schools have procedures in place to meet with parents/ guardians to go over assessments and explain the results; this bill would take away that control. In conclusion, this is a bill to change a policy that is working and doesn't need fixing.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

Amendment to HB 194

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Statewide Assessment Program; Assessment Information. Amend RSA 193-C:12 to read as
4 follows:

5 193-C:12 Pupil Assessment Information.

6 **I.** The department shall provide the testing entity as defined in RSA 189:65, VIII, with
7 individual pupil names and unique pupil identifiers. The testing entity shall maintain the results,
8 scores, or other evaluative materials for the purpose of measuring and reporting individual student
9 growth.

10 **II.** The department may provide, *or may request the testing entity to provide*, the
11 assessment results and comparative data to a parent, a legal guardian, or the pupil's school as
12 provided in RSA 193-C:11. ***The department may collect, and the districts shall provide,***
13 ***student address information from the individual school districts solely for the purpose of***
14 ***effectuating the distribution of assessment results and comparative data as provided in***
15 ***this section.***

16 **III.** ***The report shall be provided to parents in an informative and instructional***
17 ***manner to help children meet challenging state academic standards and advance student***
18 ***learning,***

19 **IV.** The testing entity shall destroy all student data after 8 years.

20 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 194
- Page 2 -

2021-0268h

AMENDED ANALYSIS

This bill:

I. Permits the department of education to collect student address information for the purpose of distributing assessment results.

II. Requires a testing entity to destroy student data at certain times.

Amendment vote

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report

2021 SESSION

Education

Bill #: HB 194 Motion: OTP AM #: 02686 Exec Session Date: 2-9-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk		✓	
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report

2021 SESSION

Education

Bill #: HB194 Motion: OTR/A AM #: _____ Exec Session Date: 2-9-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk		✓	
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	

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2021-0268h

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UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 194

BILL TITLE: relative to the release of student assessment information and data.

DATE: January 26, 2021

LOB ROOM: 201/203 **Time Public Hearing Called to Order:** 2:50 PM

Time Adjourned: 3:50 PM

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock

Bill Sponsors:

Rep. Cordelli
Rep. Hobson
Sen. Avard

Rep. Ladd
Rep. Layon
Sen. Ward

Rep. Moffett
Rep. Osborne

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Cordelli – Bill Sponsor

- Main goal to help parents and districts (districts – info going out in a timely manner
- If info (results) not getting out in a timely basis can lose Federal funding
- Some parents are not getting info in a timely manner
- Clarification of timeline to keep assessments
- This bill may be merged with HB 323
- Will check on incident note
- Will take into consideration on bids who may leave and come back to NA – keep records of those kids?

Ashley Gibson – College Board – Neutral

- Concerns regarding destruction of data
- May come back and go to college 10 years later
- Overall support of bill

Melissa White – DOE Assessment

- Available for any questions
- K-8 assessment math, LA
- 5, 8, 11 Science
- Alternative 6-8 and 11
- K-12 Language assessment

Respectfully submitted,

Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING on Bill # HB 194

BILL TITLE: relative to the release of student assessment information data
DATE: 1-26-2021

ROOM: 201-203

Time Public Hearing Called to Order: 2:50 PM
(concurrent w/ HB 323)

Time Adjourned: 3:50 PM

(please circle if present) (all present)

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock *could not vote*

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep. Cordelli - sponsor
 - main goal to help parents & districts
 - districts - info going out in a timely manner
 - if info (results) not getting out in a timely basis can lose Federal funding.
 - some parents are not getting info in a timely manner
 - clarification of timeline to keep assessments
 - this bill may be merged with HB 323.
 - will check on incident rate
 - will take into consideration on kids who may leave and come back to VA - keep records of those kids?

- ② Ashley Gibson - College Bd - neutral
 - concerns regarding destruction of data
 - may come back and go to college 10 yrs later
 - overall support bill

- ③ Melissa White - DOE Assessments
- available for any questions
 - K-8 - assessment Math, LA
 - 5, 8, 11 Science
 - alternative 6-8 & 11
 - K-12 language assessment

Respectfully submitted,
Rep. Barbara Shaw,
Clerk

House Remote Testify

Education Committee Testify List for Bill HB194 on 2021-02-09

Support: 1 Oppose: 1 Neutral: 0 Total to Testify: 0

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2/8/2021 11:51 PM
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Oppose	No	2/9/2021 10:54 AM

Testimony

The State of New Hampshire

ADMINISTRATIVE OFFICE OF THE COURTS

Christopher Keating
Director

1 Granite Place, Suite N400
Concord, NH 03301
(603) 271-2521
Fax: (603) 513-5454
eMail: aoc@courts.state.nh.us
TTY/TDD Relay: (800) 735-2964

January 26, 2021

The Honorable Rick Ladd, Chair
House Education Committee
Legislative Office Building, Room 207
Concord, New Hampshire 03301

RE: HB 194 relative to the release of student assessment
information and data

Dear Representative Ladd:

I am writing to make you aware of a concern the Judicial Branch has with regard to the proposed effective date of House Bill 194. The current draft has a proposed effective date of upon passage. Under RSA 14:9-a “[e]ach law affecting judicial practice and procedure, or establishing or eliminating criminal prohibitions, civil causes of action or remedies, or limitations of actions, shall take effect on the January 1 following passage.” Because this law would establish a criminal prohibitions by creating a new Class B felony, RSA 14:9-a provides that it should be effective no sooner than January 1, 2022.

The additional time is needed for the Judicial Branch to implement the collective changes that will be made to laws during this legislative session that impact criminal and civil cases. After each legislative session, the Judicial Branch must update the uniform charge table and the Judicial Branch’s Odyssey database, modify or create new forms, make necessary changes to the e-filing system, and notify and train judges and staff on the hundreds of changes that affect the court system. Implementation of these changes must accurately reflect the changes in law and be properly programed into the case management database and e-filing

January 26, 2021

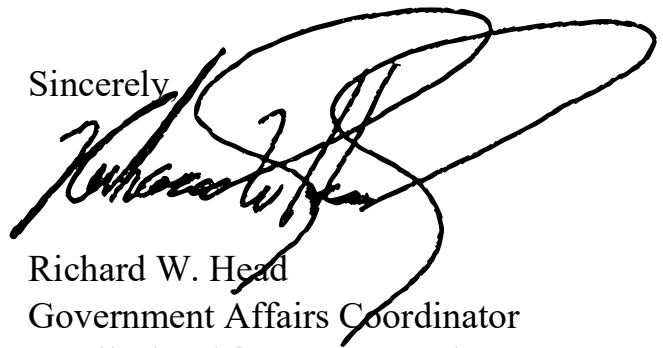
Page 2

system. Given the number of changes that must be implemented, it takes several months to complete this effort.

I am writing to request the bill be amended to change the effective date to January 1, 2022 which will allow the Judicial Branch sufficient time to implement all of the changes described in the bills that are passed in this session.

Thank you for your consideration of this request. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head", written over a large, stylized, circular flourish.

Richard W. Head
Government Affairs Coordinator
Email: rhead@courts.state.nh.us
Cell: 603-716-8235

cc: Representative Cordelli, Prime Sponsor
(via email only: glenn.cordelli@leg.state.nh.us)

Bill as
Introduced

HB 194 - AS INTRODUCED

2021 SESSION

21-0383

06/08

HOUSE BILL **194**

AN ACT relative to the release of student assessment information and data.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. M. Moffett, Merr. 9; Rep. Hobson, Rock. 35; Rep. Layon, Rock. 6; Rep. J. Osborne, Rock. 4; Sen. Avard, Dist 12; Sen. Ward, Dist 8

COMMITTEE: Education

ANALYSIS

This bill:

I. Permits the department of education to collect student address information for the purpose of distributing assessment results.

II. Requires a testing entity to destroy student data at certain times.

III. Makes violation of disclosure of information provisions a felony.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the release of student assessment information and data.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Statewide Assessment Program; Pupil Assessment Information. Amend RSA 193-C:12 to read
2 as follows:

3 193-C:12 Pupil Assessment Information. The department shall provide the testing entity as
4 defined in RSA 189:65, VIII, with individual pupil names and unique pupil identifiers. The testing
5 entity shall maintain the results, scores, or other evaluative materials for the purpose of measuring
6 and reporting individual student growth. The department may provide, ***or may request the***
7 ***testing entity to provide***, the assessment results and comparative data to a parent, a legal
8 guardian, or the pupil's school as provided in RSA 193-C:11. ***The department may collect, and***
9 ***the districts shall provide, student address information from the individual school***
10 ***districts solely for the purpose of effectuating the distribution of assessment results and***
11 ***comparative data as provided in this section.*** The testing entity shall destroy all student data
12 after ~~[8-years]~~ ***reporting on students through grade 8 or when a student is no longer enrolled***
13 ***in a New Hampshire public school.***

14 2 Statewide Assessment Program; Disclosure of Information. Amend RSA 189:67, II to read as
15 follows:

16 II.(a) A school or the department may disclose to a testing entity the student's name, unique
17 pupil identifier, and birth date for the sole purpose of identifying the test taker. Except when
18 collected in conjunction with the SAT or ACT:

19 ~~[(a)]~~ (1) When such tests are used for the purpose of the state assessment as defined in
20 RSA 193-C:6, the data shall be maintained by the testing entity in accordance with RSA 193-C:12.

21 ~~[(b)]~~ (2) The data shall not be disclosed by the testing entity to any other person,
22 organization, entity, or government or any component thereof, other than the parent or guardian,
23 the department, school or school district, and shall not be used by the testing entity for any other
24 purpose except as provided in RSA 193-C:12.

25 (b) ***Any person who knowingly violates the provisions of subparagraph (a) shall***
26 ***be guilty of a class B felony.***

27 3 Effective Date. This act shall take effect upon its passage.