

Bill as Introduced

HB 194 - AS AMENDED BY THE HOUSE

25Feb2021... 0268h

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

3 193-C:12 Pupil Assessment Information.

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

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

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

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

18 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 20
HB 194 - FINAL VERSION

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16 *learning.*

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Approved: May 06, 2021
Effective Date: July 05, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Education

Sen Ruth Ward, Chair
Sen Erin Hennessey, Vice Chair
Sen Denise Ricciardi, Member
Sen Jay Kahn, Member
Sen Suzanne Prentiss, Member

Date: March 17, 2021

HEARINGS

Tuesday	03/23/2021	
(Day)	(Date)	
Education	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 194	relative to the release of student assessment information and data.
9:15 a.m.	HB 442	relative to penalties for a school's failure to file department of education reports.
9:30 a.m.	HB 320	requiring a civics competency assessment as a high school graduation requirement.
9:45 a.m.	HB 349	relative to certification requirements for school nurses.
10:00 a.m.	HB 432	relative to the offenses that prevent employment in a school.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/99343484231>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location):

1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833

3. Or iPhone one-tap: +13126266799, 99343484231# or +19292056099, 99343484231#

4. Webinar ID: 993 4348 4231

5. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:

<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603) 271-6931.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 194

Rep. Cordelli

Rep. Layon

HB 442

Rep. Cordelli

HB 320

Rep. Moffett

Rep. Shaw

HB 349

Rep. Hill

Rep. Lang

HB 432

Rep. Mullen

Rep. Woodcock

Rep. Ladd

Rep. Osborne

Rep. Ladd

Rep. Pearl

Rep. Hobson

Rep. Steven Smith

Rep. Cordelli

Rep. Allard

Rep. Moffett

Sen. Avard

Rep. Layon

Rep. Lang

Rep. McGuire

Rep. A. Lekas

Rep. Cornell

Rep. Hobson

Sen. Ward

Rep. Pitre

Rep. Rouillard

Rep. Ladd

Rep. Tanner

Ava Hawkes 271-4151

Ruth Ward
Chairman

Senate Education Committee

Ava Hawkes 271-4151

HB 194, relative to the release of student assessment information and data.

Hearing Date: March 23, 2021

Time Opened: 9:00 a.m.

Time Closed: 9:29 a.m.

Members of the Committee Present: Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Cordelli

Rep. Ladd

Rep. Moffett

Rep. Hobson

Rep. Layon

Rep. Osborne

Sen. Avard

Sen. Ward

Who supports the bill: Senator Ruth Ward, Representative Rick Ladd, Representative Glenn Cordelli

Who opposes the bill: Please refer to sign-in sheet.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Glenn Cordelli - Carroll, District 4

- Representative Cordelli introduced HB 194.
- This bill builds upon legislation from last session.
- The amended version simplifies the bill and replaces everything after the enacting clause.
- It would give NHDOE permission to send out state testing results to parents.
- In the past, this wasn't done on a timely basis.
- School districts typically hold results until the next fall. This is not timely.

- ESSA requires results be provided in a timely fashion and in an understandable format. If these requirements are not fulfilled, you risk the of loss of federal funds.
- Parents have a right to this information and results.
- In the contract with the state's testing agency, the agency has the ability to send out results themselves as done in other states.
- Regarding concerns about privacy, according to an attorney from NHDOE, there are already protections in place in the testing agency's contract with the state.
- Lines 10-18 is the substance of the issue at hand in this bill; NHDOE 'may' request testing agency to send results, not 'shall.'
- NHDOE can collect student address information solely for the purpose of sending out results.
- As required by federal law, reports available to parents must be informative and instructional so they can better understand their child's education and test results.
- Senator Kahn asked Representative Cordelli if there really are school districts in the state that don't distribute results in a timely way. Senator Kahn has heard the contrary from superintendents in his district.
 - Representative Cordelli said there was testimony from House members who noted that parents didn't receive results until parent teacher conferences in the fall.
- Senator Kahn expressed that, in his experience, schools and superintendents see these results as a really important communication device with parents, which is why they prefer to send them out. He asked Representative Cordelli if that has also been his experience.
 - Representative Ladd agreed that it is a great communication tool with parents.
 - Their House committee heard testimony from NHDOE that test results are made available from the testing agency to school districts the same day of test. There should be no reason for delay.
 - This would enable school districts to save time and staff efforts by letting the testing agency provide results to parents.
- Senator Kahn asked if NHDOE or the testing agency is providing the results to parents.
 - Representative Cordelli said current state law says NHDOE may provide the results or may request testing agency to provide results.
- Senator Prentiss asked Representative Cordelli if the bill intends to cut school out from the middle, by having test results go directly from the testing agency to parents. In her experience as a parent, test results came home with her daughter from school and conversation was had with the school if needed.
 - Representative Cordelli said that would be one option per the use of 'may' and not 'shall' regarding NHDOE's ask of the testing agency or school districts.

- He would agree that it would be most preferable for school districts to do it to satisfy federal requirements, however, it does not always happen in a timely manner.
- Senator Prentiss asked Representative Cordelli if school districts have a deadline to get test results to parents.
 - Representative Cordelli said that federal law simply says, “in a timely fashion.”
 - However, following hearings on SB 267 from last session, NHDOE’s interpretation was no later than June 30th of each year.
- Senator Hennessey asked Representative Cordelli how NHDOE knows if test results were not sent out in a timely manner. As she has received test results for her own children, it makes no difference who sends the results as there won’t be a dialogue with the school unless she initiates it. If you receive results sooner, dialogue can happen sooner.
 - Representative Cordelli said he has heard from parents and superintendents about this. There is an advantage to parents to have these results sooner rather than later. For example, receiving results before the summer months to allow work to be done over the summer.

Melissa White – Assessment Administrator, NH Department of Education

- NH SAS (Statewide Assessment System) is given to most students between grades 3rd through 8th, science assessed in 5th grade and SATs are used for 11th grade.
- There are also alternate assessments and dynamic learning maps available for English as a second language learners.
- They use multiple assessment products.
- Some test results, such as the SAT or DLM, are not immediately available. Students are able to access their results, via a web portal, within a month.
- Those are two special instances where reports may not be available by June 30th.
- NHDOE is currently working through their assessment vendor to open and create a parent portal by Spring 2022.
- Parents would plug in their contact information and receive results directly this way.
- This is still in the works.
- Senator Prentiss asked Ms. White what the testing window is for students currently, SATs aside. Senator Prentiss recalls a different timeline of testing and receipt of results for her child.
 - Ms. White said the testing window now is mid-March through June 11th each year. That way schools can use that entire window to administer tests.
- Senator Prentiss asked Ms. White if it matters when the test happens and if so, what is the significance.

- o Ms. White said states vary. NH assessments are to assess all of the student's understanding and mastery of courses in that grade level.
 - o They'll be tested on all course standards for that year.
 - o This window provides schools the ability to cover all content on assessment, depending on their content timeline.
- Senator Kahn asked Ms. White about privacy of information and if there are any tests currently that require your home address.
 - o Ms. White said NHDOE does not collect student addresses currently.
 - o The parent portal will allow, in the future, a method to securely access information.
 - o The department may be able to fulfill an individual request made by a parent to send results directly to them.
 - o As far as sending out paper reports, that is on school or school districts to do.

amh
Date Hearing Report completed: March 23, 2021

Speakers

Senate Remote Testify

Education Committee Testify List for Bill HB194 on 2021-03-23

Support: 3 Oppose: 13 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Ward, Senator Ruth	Not Given	Not Given	An Elected Official	Senate District 8	Support	No	3
Larson, Ruth	ruthlarson@msn.com	Not Given	A Member of the Public	Myself	Oppose	No	3
Fordey, Nicole	nikkif610@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	3
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Oppose	No	3
Zaenglein, Barbara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	3
Zaenglein, Eric	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	3
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Oppose	No	3
Lewis, Elizabeth	ecop.lewis@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	3
Hope, Lucinda	lmhope46@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	3
Ladd, Carl	carl@nhsaa.org	603-225-3230	A Lobbyist	New Hampshire School Administrators Association	Oppose	No	3
Moccia, Lianne	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	3
Tuttle, Megan	mtuttle@nhnea.org	603-209-4090	A Lobbyist	NEA-NH	Oppose	No	3
Bergeron-Beaulieu, Jane	jbergeron@nhasea.org	494-1149	A Lobbyist	NH Association of Special Education Administrators	Oppose	No	3
Ladd, Rick	Not Given	Not Given	An Elected Official	Myself	Support	No	3
Hennessey, Martha	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	3
Cordelli, Glenn	Not Given	603.515.0008	An Elected Official	Myself	Support	Yes	3

Testimony

Ava Hawkes

From: Cindy <lmhope46@gmail.com>
Sent: Monday, March 22, 2021 7:52 PM
To: Ava Hawkes
Subject: Constituent OPPOSED to HB194

Members of the Senate Education Committee —

The idea of all that student data going to the State DOE seems not only unnecessary, but also potentially risky.

Collecting that data is not the job of the DOE.

Therefore, I am OPPOSED to this bill.

The schools having the data on their students, available to the parents or guardians, has been fine, except in a few situations.

That reminds me of a situation I faced decades ago. The school principal was upset about a complaint from a parent. After the principal listened to the details, I pointed out that I saw 212 students a day, ... therefore there were 211 parents not complaining.

I encourage the committee to vote in opposition to HB194.

Sincerely,

Lucinda M. Hope, M.Ed.

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2020-2021 Session

Bill # HB194

Hearing date: 3/23/21

Executive Session date: 3/30/21

Motion of: ITL Vote: 2-3

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Hennessey

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, March 30, 2021

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Erin Hennessey
For the Committee

Ava Hawkes 271-4151

EDUCATION

HB 194, relative to the release of student assessment information and data.

Ought to Pass, Vote 3-2.

Senator Erin Hennessey for the committee.

Docket of HB194

Docket Abbreviations

Bill Title: relative to the release of student assessment information and data.*Official Docket of HB194.:*

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Education HJ 2 P. 38
1/20/2021	H	Public Hearing: 01/26/2021 02:15 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/91325381640 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/3/2021	H	Executive Session: 02/09/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/98073405784
2/12/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-0268h (Vote 11-9; RC) HC 12 P. 26
2/12/2021	H	Minority Committee Report: Inexpedient to Legislate
2/25/2021	H	Amendment #2021-0268h : AA VV 02/25/2021 HJ 4 P. 14
2/25/2021	H	Ought to Pass with Amendment : MA RC 193-152 02/25/2021 HJ 4 P. 14
3/4/2021	S	Introduced 03/04/2021 and Referred to Education; SJ 7
3/17/2021	S	Remote Hearing : 03/23/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 16
3/30/2021	S	Committee Report: Ought to Pass, 04/08/2021; SC 18
4/8/2021	S	Ought to Pass : RC 14Y-10N, MA; OT3rdg; 04/08/2021; SJ 11
4/29/2021	S	Enrolled RC 24Y-0N, MA, (In recess of 04/22/2021); SJ 13
4/29/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 101
5/10/2021	H	Signed by Governor Sununu 05/06/2021; Chapter 20; Eff: 07/05/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 194

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

_____ as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office AK