BETORE THE SUPREME COURT OF THE STATE OF IDAHO

IDAHO SUPERINTENDENT OF PUBLIC INSTRUCTION SHERRI YBARRA, in her official capacity,

Petitioner,

v.

THE LEGISLATURE OF THE STATE OF IDAHO, BY REPRESENTATIVE SCOTT BEDKE, in his official capacity as SPEAKER OF THE HOUSE OF REPRESENTATIVES, et al.,

Respondents.

DECLARATION OF MATT FREEMAN - 1
I, Matt Freeman, having been duly sworn on oath, declare as follows:

1. I was appointed by the Idaho State Board of Education (“Board”) to serve as its Executive Director for the Office of the State Board of Education (“OSBE”) in June 2015. For the five and a half years prior to my appointment, I worked as the Chief Financial Officer for OSBE. As Executive Director, I have knowledge regarding the laws, rules and policies that apply to the OSBE and Board, as well as the Board’s relationship with the Superintendent of Public Instruction and the State Department of Education.

2. I am submitting this Declaration in support of the Board’s Response to the Superintendent’s Verified Petition for a Declaration of Unconstitutionality and a Writ of Mandamus and/or Prohibition by Original Jurisdiction and Request for Expedited Hearing (“Petition”) and the Superintendent’s Memorandum in Support of Motion to Set an Expedited Briefing and Hearing Schedule (“Memorandum”).

3. The 18 employees in the Technology Group, according to the Superintendent’s Petition and Memorandum, support the Idaho System for Educational Excellence (“ISEE”).

4. ISEE is one component of the three pronged statewide longitudinal data system. The data system allows for longitudinal tracking of student data through all levels of the public education system and into the workforce. The data is used to evaluate and improve public education, for accountability, and to inform lawmakers and others responsible for public education, as well as the public. The data is also used to assist the Board in its governance of the public school system and support the responsibilities of OSBE and the State Department of Education (“SDE”).

5. The K-12 data collected through ISEE is currently managed by the State Department of Education. The postsecondary data is managed by OSBE and is referred to as the
Postsecondary Measures of Academic Progress ("PMAP"). The Department of Labor collects and stores the labor data, which is referred to as the Idaho Labor Market Information ("ILMI").

6. The Board is the state educational agency ("SEA") for the state of Idaho under Idaho Code § 33-110 and is authorized to negotiate and contract with and accept financial assistance from the federal government. The statewide longitudinal data system, including ISEE, was funded by federal grants obtained by OSBE, on behalf of the Board, from the U.S. Department of Education’s National Center for Education Statistics, as well as some state funds.

7. The Board’s role in creating ISEE is reflected on the SDE’s website, which contains the following information: “The Idaho State Board of Education was the recipient of a Statewide Longitudinal Data System (SLDS) grant in May of 2009. The grant funds are dedicated to the development of a K-12 data system. It was developed and is currently being managed by the Idaho State Department of Education (SDE). The grant required creation of a longitudinal data warehouse, deployment of a Reporting and Analysis System and the collection of data from all Idaho public school districts and charter schools.”

https://www.sde.idaho.gov/tech-services/isee/

8. Paragraph 21 of the Superintendent’s Petition states that “the Superintendent and the Department have established the Idaho System for Educational Excellence.” This is incorrect. ISEE was created with grant funding obtained by OSBE and developed with SDE under the authority of the Board. Idaho Code § 33-120(2).

9. The legislature has affirmatively vested OSBE with the responsibility for “all decisions relating to the collection and safeguarding of student data.” Idaho Code § 33-133(2).

10. The Board has statutory authority under Idaho Code § 33-105 to govern the executive agencies and institutions under its governance through its adoption of rules. The rules
adopted are referred to as the Board’s “general governing policies and procedures.”

11. The Board, through Board Policy I.O., created a data management council to make recommendations to it regarding the oversight and development of the statewide longitudinal data system, and to oversee the creation, maintenance and use of the system. The data management council consists of representatives from SDE, OSBE, the Department of Labor, the higher education institutions, school districts, and others.

12. Board Policy I.O. requires that the OSBE representative chair the Data Management Council.

13. Here is the link to Board Policy I.O:


14. Attached as Exhibit A is a letter dated April 3, 2020 from the Superintendent to Board President Debbie Critchfield.

15. Attached as Exhibit B is a memorandum of understanding proposed by the Superintendent which the Board declined to execute at Board meetings on April 20 and 22, 2020.

16. Attached as Exhibit C is a letter dated April 9, 2020 from Board President Debbie Critchfield to the Superintendent explaining why the Board needed to comply with the intent of the appropriations bills in question.

17. In the Superintendent’s correspondence of April 3, 2020, her proposed memorandum and Petition, the Superintendent claims that moving the 18 Technology Group staff members to the OSBE will cause severe disruption for the SDE and for her.

18. I have attempted to work in good faith to ensure the transition is as smooth and seamless as possible, and to minimize any disruption to SDE. The 18 Technology Group
employees can continue to perform the same jobs and functions as they have performed at SDE, as identified in the attachments to the Petition.

19. Transfer of the 18 employees from one executive agency of the Board to another executive agency of the Board to continue work on the student data management system over which the Board has statutory responsibility to implement and for which the OSBE obtained grant funding to create, should not interfere with the work of the SDE or the Superintendent.

20. The transition should not require the employees or their equipment to be relocated. OSBE is located on the third floor of the LBJ building. The SDE and Superintendent are located on the second floor of the LBJ building. The Technology Group is located in the basement of the LBJ building. The 18 employees could continue to use the same office space, equipment and furniture as they used while supervised at the SDE.

21. The same data currently collected in ISEE will continue to be collected in ISEE and will be available for use by the Superintendent, SDE, OSBE and other stakeholders, including public school districts and charter schools, for the same purposes as it is currently used. Access to the data will follow a similar or perhaps more streamlined protocol as is now used by OSBE and other stakeholders who currently access ISEE data.

22. OSBE has confirmed that the transition will not impact the employees’ leave, retirement or health care benefits.

23. Employees of OSBE and SDE have a long history of working collaboratively on a number of areas related to K-12 education, for the benefit of public school students, including: to present materials and provide policy analysis and recommendations to the Board for action at Board meetings; on the Data Management Council; on initiatives from the Governor; on STEM Education policy and initiatives; on assessment and accountability; on early literacy and literacy

DECLARATION OF MATT FREEMAN - 5
intervention initiatives; on Advanced Opportunities programs and college and career advising; and on Idaho’s educator pipeline. In addition, currently, the SDE uploads the state’s Consolidated State Performance Report (data demonstrating all of the federal requirements for Idaho are met to receive federal funding), and OSBE certifies the data on behalf of the Board as the SEA. There is no reason to assume that work related to ISEE would be any less collaborative.

24. The Superintendent alleges that “the Board has insisted on obtaining and exercising sole ‘direct oversight of the technology services staff and operations,’ by its Executive Director and proposes commencing an immediate transition of said Technology Group employees and operations even prior to July 1, 2020.” ¶ 34, Petition at 14. I have discussed with the Superintendent the need to commence transition planning immediately in order to effectuate a smooth transition on July 1, 2020. I have not, however, proposed an actual transition of the 18 positions prior to July 1, 2020. Such a transfer prior to July 1st is not appropriate as it lacks legislative and budget authority since enactment of S1409 and related funding is not effective until July 1, 2020.

25. The Board’s sole interest in this matter is to implement the letter and spirit of the law, and to do so “in a timely and seamless manner to ensure continuity of operations and services to the Board, State Department and school districts.” Attachment C (Critchfield, April 9th letter). The appropriation bills (S1409 and S1410) make clear that the legislature was interested in centralizing IT and data management at OSBE.

26. In Section III of the Superintendent’s Memorandum, the Superintendent alleges that the Board is compelling the Superintendent report “to a staff member under the part-time, appointed, policy making, general supervisory Board to direct her own departmental functions.”
Memorandum at 5. Neither the Board nor I have ever suggested the Superintendent would report to me. The Superintendent, as a member of the Board, is my employer pursuant to Idaho Code § 33-102A.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 15th day of May 2020.

MATT FREEMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 15, 2020, I filed the foregoing electronically through the iCourt E-File system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notification of Service:

David H. Leroy
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Counsel for Petitioner Sherri Ybarra

Mary V. York
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William G. Myers, III
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Counsel for Respondents the Legislature of the State of Idaho and Senator Brent Hill

/s/ Chris Kronberg
CHRIS KRONBERG
Deputy Attorney General
EXHIBIT A

to the Declaration of Matt Freeman
DATE: April 3, 2020

TO: Debbie Critchfield, President, State Board of Education

FROM: Superintendent of Public Instruction Sherri Ybarra

RE: SDE Technology Services and Idaho System for Educational Excellence (ISEE)

As you are aware, the State Department of Education’s ISEE system was created specifically for the state’s K-12 education system. As such, it is fully integrated within the SDE and our various programs and functions. The SDE’s Technology Services group maintains ISEE to support those programs and functions, which in turn, support Idaho’s schools and students.

This memo outlines, in detail, the positions that are necessary and critical to the SDE’s continued ability to perform essential functions that support our schools and students. Moving ISEE and the SDE’s Technology Services group will, undoubtedly, change processes and functionality both for the SDE and for school districts. Adding a layer of bureaucracy will not make processes and functions more efficient and may significantly impact our ability to serve districts and schools.

I am evaluating my options as a Constitutional Officer of the State of Idaho regarding my ability and the SDE’s ability to continue to carry out our responsibilities.

**Critical Positions:**

**Chief Technology Officer** – This position supports and oversees all aspects of the technology services division. Position works with the development team as a project manager and business analyst to help them understand the business needs required to complete their tasks. Provides design guidance to deliver new solutions. Oversees the security aspects of the system and the policies to secure student data. Works directly with school personnel providing technology guidance, procurement guidance, and ensuring that their broadband procurement process are appropriate. Interfaces with external providers, vendors, agencies, and entities to ensure that appropriate solutions are provided to schools.

**Administrative Assistant 2** – The position reconciles the budget numbers at least monthly balancing expenses with what is needed to support schools for the rest of the fiscal year. Schedules appointments for the CTO, takes minutes for EORC and supports others in the department whenever necessary. Schedules travel for the CTO and others in the department and schedules annual training for school districts. The position performs general office management functions.
**IT Software Engineer IV (Manager)** – This position develops and supports the software applications that enable the department and district staff to perform their job in effective and efficient ways. Develops applications that make data collection as easy as possible while maintaining the integrity of the data. Processes the data that is used to populate the Idaho Schools Report Card, which highlights school progress and achievement. Manages the application development team, ensuring that all applications are designed to meet the needs of the business area while minimizing the impact on the people using them.

**IT Software Engineer III** – This position develops, supports, and maintains systems and applications that are key to accurately distributing Federal Funds for several different grants, tracks compliance with State Special Education programs, and directly supports Migrant students and English Learners throughout the state. These systems are used by SDE and most school districts to track and manage support requests for IT and many other programs, and are used to reimburse schools and districts for transporting students to school.

**IT Software Engineer III** – This position focuses on improvements to existing applications for functionality or accuracy. Main focus is EDFacts reporting to the Federal Department of Education, which feeds into other reports like the Comparative State Progress Report or CSPR. Works closely with many internal programs subject matter experts to respond quickly to changes in reporting requirements. Ensures that EDFacts, builds necessary files and tracks the data used to create those files. Supports internal users and teams with Microsoft Office issues. Helps support the Advanced Opportunities Portal.

**IT Software Engineer III** – This position supports the Special Education Application, which allows districts to submit data, store data and keep track of students from early childhood to graduation. Also works on a Comparability Application, which tracks compliance information for Title I so districts receive appropriate funding. Supports the Safe and Drug Free Schools application that helps track compliance and funding for schools to help districts provide a safe environment for students. Supports the Driver Education program building an application for transferring and storing student files for security and privacy.

**IT Software Engineer III** – This position is the AO application developer and works to support and enhance the Advanced Opportunities Administrative Access application (AO) which is used to track and reimburse requests for Fast Forward funds and early graduation scholarships of students. Also support the Advanced Opportunities Student Application portal, which allows students to request funding through the Fast Forward program, and will help them to track expenditures of their allocated funds. Generates annual and request-based AO reports. Responsible for understanding SDE, districts, schools, students and college users requirements and based on this, evaluates the existing application to update and add required new features so that users can navigate through the AO application easily.

**Education Data Systems Reporting Manager** – This position provides critical support to over 900 Idaho Public Schools with securely and accurately reporting various data (e.g. Staff, Student, Attendance, Special Education, etc.) to the Idaho State Department of Education. Manages the Idaho System for Educational Excellence (ISEE) Data Collection.
Item and Option Sets list: the data set required to fulfill many State and Federal requirements, including but not limited to ESSA, Public School Funding, Edfacts, Title Programs, etc. I provide support and bridge communication between Idaho State Department of Education Program staff, Office of the State Board of Education staff, Career and Technical Education staff, Local Education Agency staff and many district system vendors related to the ISEE data collection process.

**Coordinator, Educational Technology, Reg 1, 2, 3** – This position assists Idaho public school districts and charter schools in accurately reporting data through ISEE. This involves training districts on the requirements of the collection process as well as helping them with their individual data systems to report this information. Helps districts understand the data collection process in their unique system and local control situations. Provides detailed understanding of how the reporting elements work together, which reduces the support time for districts by going to the programs directly. This includes training and supporting districts daily on how to review the many reports available to them after they submit their data to look for inaccuracies, which can not only affect their funding, but also may misrepresent the district. Works with many SDE educational divisions (e.g. Public School Finance, Teacher Certification, Advanced Opportunities, Assessment, and Special Education) to support state and federal requirements.

**Coordinator, Educational Technology, Reg 4, 5, 6** – This position assists Idaho public school districts and charter schools in accurately reporting data through ISEE. This involves training districts on the requirements of the collection process as well as helping them with their individual data systems to report this information. Helps districts understand the data collection process in their unique system and local control situations. Provides detailed understanding of how the reporting elements work together, which reduces the support time for districts by going to the programs directly. This includes training and supporting districts daily on how to review the many reports available to them after they submit their data to look for inaccuracies, which can not only affect their funding, but also may misrepresent the district. Works with many SDE educational divisions (e.g. Public School Finance, Teacher Certification, Advanced Opportunities, Assessment, and Special Education) to support state and federal requirements.

**IT Project Manager 3** – This position ensures that federal- and state initiative-based changes, as well as requests on changes to ensure students and schools achieve, are accurately developed by using project management based phases of initiating, planning, executing, controlling, and closing, and their related processes and procedures. Works in conjunction with department directors, coordinators, developers, and other subject matter experts, in various programs, including outside stakeholders such as IDLA. Ensures that SDE programs and staff have the data, applications, and support they need.

**IT Software Engineer IV** – This position supports K-12 education by developing and maintaining software applications that help districts and SDE personnel perform important functions such as Direct Certification that ensures eligible children receive free lunches, the Eduld (unique identifier) system that underlies the data collected for aggregation and reporting, the collection of Cohort Graduation Rate data, computing the E-Rate low income rates for schools, and processing Career Ladder data.
**Coordinator, Education Data Systems** – This position is responsible for providing education data from Schools to both internal and external users. Internal users include the programs within SDE such as Teacher Certification, Federal Programs, Special Education, etc. External users, such as Legislators, research groups, school and district administrators and more will use this data to make data-driven decisions. The position works closely with those collecting the data directly from the districts users on the front end and with those that import the data into our existing Data Warehouse on the back end. This position is responsible for identifying both reporting anomalies on the front end and data storage irregularities on the back end for process improvement in data reporting methods. Also built and supports the new Data Transparency Tool (DTT), which creates reports that Districts and schools will utilize in real time to view their data and how their data is used within each of the reports. This will help them more easily identify specific data and assist in more readily identifying any reporting issues on their end.

**Coordinator, IT Security** – This position helps secure the systems used to collect, process, and share K-12 data. Responsible for cyber security awareness for personnel within the SDE. Serves as a resource for school districts when they have cyber security concerns and as point of contact when they experience cyber security related incidents. Represents the SDE in various working groups, tasks forces, and committees that strive to standardize security policies and strengthen incident response capabilities amongst state agencies.

**Coordinator, e-Rate** – Ensures schools receive critical financial discounts for their broadband connectivity that in turn helps deliver the quality digital educational needs for Idaho students, educational resources for Idaho teachers, and operational requirements for the school/district.

**Integrator, Educational Data Systems** – This position assists the technology services team in creating tools and applications for various data needs of the school districts and as well as internal departments within SDE. Explores possibilities of enhancing or simplifying existing solutions for continuous improvement. Documents current processes and future projects as they occur.

**Coordinator, Broadband Program** – This position ensures that student Internet access is equitable, and that equability is not burdensome for school districts and charter schools. Manages the infrastructure grant program, which incentivizes administrators and Internet service providers to implement cost-effective solutions that close the K-12 connectivity gap across the state. Supports Idaho education facilities to adapt with evolving technology.

**IT Manager, Enterprise Infrastructure** – This position designs, manages and maintains the digital infrastructure that is needed for both internal department programs as well as external ISEE applications to support every program that is used to support student success. Works with districts across the state as well as internal SDE programs to ensure all needs and resources are available. Responsible for managing a team whose core function is to directly support end users in their jobs to directly help students and teachers.
IT District Support Specialist – This position assists school districts and charter schools with the appropriate tools and technology they need in order to successfully utilize the more than 60 State applications. Handles calls and emails daily from K-12 districts, teachers, principals, students and even parents requiring technical support that is crucial in a timely manner. Provides precise and accurate support to schools and supports Department of Education employees with IT needs.

IT Support Specialist – This position assists school districts and charter schools with the appropriate tools and technology they need in order to successfully utilize the more than 60 State applications. Handles calls and emails daily from K-12 districts, teachers, principals, students and even parents requiring technical support that is crucial in a timely manner. Provides precise and accurate support to schools and supports Department of Education employees with IT needs.

IT Support Technician – This position support all technology for SDE staff. Supports all software applications in use at the SDE. Keep software updated. Deploys all new computers. Assists the Enterprise Infrastructure Manager in the management of Active Directory on network servers. Creates all required accounts for new employees. Maintain inventory of supplies needed for printers. Maintains the phone system.
EXHIBIT B

to the Declaration of Matt Freeman

WHEREAS, The Idaho Superintendent of Public Instruction, pursuant to the Idaho Constitution, Article IV, Section 1 and the inherent authority therefrom, is charged with the constitutional duty of providing for the education of Idaho’s school children,

WHEREAS, in support of said constitutional duty and function, Idaho Code Section 33-125 has established a State Department of Education under the direction of the Superintendent, as executive officer thereof, with authority to address all elementary and secondary school matters,

WHEREAS, the Idaho State Board of Education, pursuant to the Idaho Constitution, Article IX, Section 2, is charged with the general supervision of education in Idaho, with the obligation to set policies, procedures and duties,

WHEREAS, both the Superintendent and the Board are committed to collaborating with each other to achieve the mutual mission of providing a superior educational experience for each of Idaho’s school children,

WHEREAS, in furtherance of said mission, the Department has established the Idaho System for Educational Excellence which is a K-12 Longitudinal Data System which supports budgeting processes, data submissions and delivers information to educational stakeholders to create data driven decisions,

WHEREAS, said System is maintained, managed and utilized for statewide operations by the Technology Services Group, within the State Department of Education under the supervision of the Superintendent,

WHEREAS, said Group is currently composed of twenty one (21) salaried employees, organized and reporting as demonstrated in the chart attached hereto as Exhibit “A” and each performing the vital functions as described in the memorandum attached hereto as Exhibit “B”,

WHEREAS, the 2020 Idaho Legislature enacted two appropriation bills which relate to and affect the operation of the Group and the System, in that Senate Bill 1410 terminated the funding for eighteen (18) employees in the Department’s Technology Group, retaining only three (3) employees therein under the budget of the Superintendent and Senate Bill 1409 placed the funding
for said eighteen (18) employees within the budget of the Board, for Fiscal Year 2020-2021, commencing July 1, 2020, and raising operational, legal, fiscal and logistical issues for both of the parties,

WHEREAS, the Superintendent asserts that the loss and termination of the existing personnel and potential disruption of the System and her ability to supervise and direct the same and to utilize for all relevant purposes the work product of their effort, will impair her ability to fully discharge her constitutional duties, effective July 1, 2020,

WHEREAS, the current Executive Order Spending Rollback and Hiring Freeze declared by Governor Little by Executive Order 2020-05 on March 27, 2020 makes it problematic and impossible for the Board to hire eighteen (18) new employees by and after July 1, 2020,

WHEREAS, both the Board and the Superintendent, to the maximum extent possible, wish to foster and maintain positive and effective working relationships with the Idaho Legislature and to the extent lawful and practicable, discern and facilitate Legislative intent in the administration and implementation of both statutes and appropriations,

AND WHEREAS, both the Board and the Superintendent will co-operate in approaching and presenting proposals and clarifying this issue before the 2021 Legislature,

NOW THEREFORE, IT IS HEREBY AGREED AND UNDERSTOOD BETWEEN THE BOARD AND THE SUPERINTENDENT AS FOLLOWS:

1. The current personnel of the Technology Group shall be retained in their respective posts at their present location to operate the Idaho System for Educational Excellence.

2. It shall remain the duty of the Superintendent to provide day to day direction and supervision of said Group to discharge her constitutional function and existing statutory duties.

3. The Board may, as it deems appropriate, require additional reports or information from said Group in furtherance of its policies, procedures and duties. Further, the Group shall, from time to time, forward to the Board advance copies of statutorily required or major reports and summaries for review and consultation, prior to their issuance.

4. Consistent with Senate Bill 1410, the Superintendent shall designate and pay the salary and benefits of three (3) current Group employees.

5. Consistent with Senate Bill 1409, the Board shall pay the salary and benefits of the remaining eighteen (18) current Group employees, via transfer of funds to or billing for services from the Superintendent and the Department, or by other appropriate fiscal measures.

6. The parties shall co-operate in reaching such further understandings, executing such documents, including but not limited to any additional personnel forms, payment vouchers and
directives or establishing such policies as are necessary to implement the purpose and intent of this Memorandum of Understanding.

7. Any disputes or concerns arising hereunder shall first be mutually referred to the Office of the Idaho Attorney General for mediation.

8. The Board and the Superintendent will consult and collaborate, to the maximum extent possible, in presenting separate or joint proposals and clarifying the issue before the 2021 Legislature.

DATED this _____ day of April, 2020.

AGREED AND UNDERSTOOD:

________________________________________
For the Board of Education

________________________________________
By the Superintendent of Public Instruction
EXHIBIT C

to the Declaration of Matt Freeman
April 9, 2020

Dear Superintendent Ybarra,

We are in receipt of your letter dated April 3, 2020 and proposed memorandum of understanding on April 7, 2020.

As you know, S1409 was passed by the legislature and signed by the Governor. The Statement of Purpose to the bill includes the following explanatory phrase “a transfer of 18.00 FTP and $2,714,800 to centralize IT and data management from the Department of Education to the Office of the State Board of Education.” This is consistent with the stated intent of the bill sponsors during floor debate. We believe the legislative intent of this transfer is unequivocal.

Now that this action is the law, our intent is to follow it in letter and spirit. We believe this can be accomplished in a timely and seamless manner to ensure continuity of operations and services to the Board, State Department and school districts. A smooth transition, which is clearly in the best interest of schools and the 18 individual lives impacted by the transfer, is dependent on the ability to communicate and work with these staff in order to develop and deploy a thoughtful, thorough transition plan. Unfortunately, up until this point we have been precluded from having any of these conversations.

Immediately after JFAC approved the budget on March 3rd, Tim Hill and Louie Konkol talked to Matt Freeman and told him the 18 staff impacted by the JFAC action would have a lot of anxiety about what the action meant for their jobs. They strongly encouraged Matt to reach out and provide some assurances. As a result, later that morning Matt emailed Chris Campbell (with copy to Peter McPherson) to ask if they could talk about the JFAC action (Matt’s intentions were simply to let Chris know that if the transition were to occur, the duties and responsibilities of the 18 individuals would remain the same). Matt received the following response from Peter: “At this time, the Superintendent has asked me to represent the SDE regarding the JFAC action and proposed transition. I would envision Chris being involved in these conversations in the future.” However, before Matt could follow up with Peter, Shawn Keough called Debbie Critchfield and expressed your and her disapproval with Matt wanting to talk with Chris before the JFAC action was a done deal. Debbie communicated this to Matt, asking that he wait until the action moved through both chambers, as a courtesy to you. He has had no communications with Chris or any of your staff about the matter, including transition planning or staffing.
Fast forward to April 1 when you and Debbie spoke regarding the letter you would be sending her. As part of that conversation, you asked Debbie, and by extension the rest of the Board, to consider possible options for implementing the legislation action. Debbie told you she would need to be able to talk to Chris, but your response was “no, I'm not there yet.”

There is simply no way this transition can happen smoothly and with fidelity if Chris and Matt are not able to begin talking and working on a transition plan as soon as possible. It’s just not fair for anyone involved – especially the 18 staff who lives are directly impacted by the current state of uncertainty. We believe the transition can take place with little to no disruption of services to schools. But, we must start the process. Therefore, we will be authorizing Matt to begin transition planning discussions with Chris and his team. Other members of your staff can certainly participate as needed. This is not a Board discussion and there will not be a Board committee to oversee this transition. This is a staffing and operations matter which will be managed by Matt working collaboratively with Chris. The technology services job descriptions and organizational chart you provided are very helpful, and will inform their work.

It is important for you to understand that the only thing that changes in this transition is the direct oversight of the technology services staff and operations. The staff can and should remain in their same positions (with the same titles, salary and benefits) and in the same physical location. Matt needs to be able to tell that to the staff in order to maintain morale and alleviate any anxiety about the future of their jobs. Obviously there is no intent to harm or hinder the operations of technology services.

This is a sensitive issue for all of us and there is no desire to create an unworkable relationship. With respect for your position on this matter, we clearly state the debate ended when the law was signed by the Governor.

Sincerely,

Debbie Critchfield, President
Dr. David Hill, Vice President
Andy Scoggin, Secretary
Matt Freeman, Executive Director