



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 06/23/2020

Time: 01:00 PM

Location: 325

Committee: House Lower & Higher
Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2486, SD1 RELATING TO EDUCATION DATA.

Purpose of Bill: Requires the Department of Education to establish a standardized data collection process; collect and analyze data relating to, among other things, student discipline, seclusion, and restraint, school climate, and student achievement; and annually report certain information to the Board of Education, Legislature, and the public. (SD1)

Department's Position:

The Department of Education (Department) supports SB 2486, SD 1 and respectfully provides comments. Systematic data collection improves our identification of best practices and data integrity. Further, expanding data collection will strengthen and inform decision-making by our schools, complex areas, and state offices. Should the U.S. Department of Education decide to eliminate or reduce the reporting of civil rights data, the Department has committed to continue its civil rights collection for state accountability.

The Department collects and reports accountability data for StriveHI, the Every Student Succeeds Act (ESSA), EdFacts, the Civil Rights Data Collection (CRDC), the Consolidated State Performance Report (CSPR) and the State Systemic Improvement Plan (SSIP). As new reporting requirements develop, enhancements to source systems of data may be required to accommodate new data collection.

The Department recommends that data shall be reported as required by this section in alignment with the Department's business rules for federal data reporting, provided that the personally identifiable information of each student shall be kept private. While a minimum of ten students is currently reported for federal reports, changes in federal reporting requirements, as well as student privacy requirements, may require the Department to revise its business rules (including the minimum number of students for reporting purposes). Therefore, upon further discussion, the Department may determine the appropriate N-size based on the purpose of the presentation and report, not setting a specific number of students as a threshold for data

reporting.

To leverage data assets and increase the value of longitudinal student data for decision-making, the Department is expanding the current longitudinal data repository system called the Longitudinal Education Information (LEI) System. This system also consolidates multiple data reporting systems into a single data repository that supports the Department's information requirements for continuous improvement, accountability, compliance, and strategic and public/policy reporting. The Data Governance and Analysis Branch of the Department, which facilitates the work of the LEI system, is integral to the Department's data accountability, integrity, and reporting.

Thank you for the opportunity to provide testimony on this measure.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

Statement Before The
HOUSE COMMITTEE ON LOWER & HIGHER EDUCATION

Tuesday, June 23, 2020

1:00 PM

State Capitol, Conference Room 325

in consideration of
SB 2486, SD1
RELATING TO EDUCATION DATA.Chair WOODSON, Vice Chairs Hashem and QUINLAN, and Members of the House
Lower & Higher Education Committee

Common Cause Hawaii supports SB 2486, SD1 which requires the Department of Education to (1) establish a standardized data collection process, (2) collect and analyze data relating to, among other things, student discipline, school climate, and student achievement, and (3) annually report certain information to the Board of Education, Legislature, and the public.

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization focused on upholding the core values of American democracy. A representative democracy is one that works for the people; our government should be open, honest, and accountable to and for the benefit of the people it serves.

SB 2486, SD1 will reform Hawaii laws on education data collection practices and make data more accessible to the public, providing for a more open, honest, and accountable Hawaii Department of Education. Currently, the Hawaii Department of Education does not adequately publish or make available data to families and/or advocates, resulting in a lack of transparency and accountability. SB 2486, SD1 will redress this issue.

Common Cause Hawaii urges this Committee to pass this bill. Thank you for the opportunity to testify in support of SB 2486, SD1.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Representative Woodson, Chair
Representative Hashem, Vice Chair
Representative Quinlan, Vice Chair
House Committee on Lower & Higher Education

Re: SB 2486- Relating to education data
Hawai'i State Capitol, Room 325
1:00 PM, 6/23/2020

Chair Woodson, Vice Chair Hashem, Vice Chair Quinlan, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, we are writing to support in STRONG support SB 2486-relating to education data.

Senate Bill 2486 would require the Department of Education to report on areas like student discipline, seclusion and restraint, school climate, and student achievement. Currently, there is no uniform data collection for these metrics. With sound data, we can ensure all students receive fair and equal treatment and that our schools are not exacerbating disparities between students. Having accurate data will provide important information on how our school system is functioning and opportunities for reflection and improvement.

Additionally, data collection, analysis, and reporting required by this bill is intended, in part, to preserve protections that may soon be lost if the United States Department of Education acts on its proposal, published on September 19, 2019, in the Federal Register, to cease collecting certain types of data from public schools for the Department's mandatory civil rights data collection.

For these reasons, HCAN Speaks! respectfully requests the Committee to support this measure.

Thank you,

Kathleen Algire
Director, Public Policy and Research

841 Bishop St., Suite 301
Honolulu, Hawaii 96813



Telephone: 808 926-1530
Contact@HEECoalition.org

Committee on Lower and Higher Education
Representative Justin Woodson, Chair
Representative Mark Hashem, Vice Chair
Representative Sean Quinlan, Vice Chair

June 23, 2020

Dear Chair Woodson, Vice Chairs Hashem and Quinlan and Committee Members,

This testimony is submitted in **support of SB2486, SD1**, requiring the Department of Education (DOE) to establish a standardized data collection process; collect and analyze data relating to, among other things, student discipline, seclusion, and restraint, school climate, and student achievement; and annually report certain information to the Board of Education, Legislature, and the public.

As strong advocates of equity in education, HE'E Coalition has consistently pushed for full transparency of DOE student and system data. Without full public reporting and accountability for the results of every group of students, we will not know if progress is being made.

We strongly support the purpose of this act which is to require the DOE to:

- (1) Establish a standardized process for accurate data collection;
- (2) Collect data on indicators relating to school climate and student achievement, including data that may cease to be collected under the United States Department of Education's proposed rollback of mandatory civil rights data collection;
- (3) Make public, in a way that is understandable to families and advocates, data relating to school climate and student achievement;
- (4) Coordinate with the state public charter school commission regarding the collection, analysis, and dissemination of this data from public charter schools;
- (5) Analyze this data; and
- (6) Annually report this data to the board of education and legislature.

We also support the amendment of having the **n-size for data collection be 10**. Currently, the DOE's n-size is 20, which does not allow for transparency at the school level for subgroup data on the required Every Student Succeeds Act (ESSA) measures.

Hui for Excellence in Education, or "HE'E," promotes a child-centered and strength-based public education system in which families, communities and schools are valued and empowered to help every student succeed. HE'E works to bring diverse stakeholders together to harness collective energy, share resources, and identify opportunities for progressive action in education.

Thank you for the opportunity to testify. Our support represents a 75% consensus or more of our voting membership.

Sincerely,

Cheri Nakamura
HE'E Coalition Director



Academy 21
American Civil Liberties Union
After-School All-Stars Hawai'i
Alliance for Place Based Learning
*Castle Complex Community Council
*Castle-Kahuku Principal and CAS
Coalition for Children with Special Needs
Education Institute of Hawai'i
*Faith Action for Community Equity
Fresh Leadership LLC
Girl Scouts Hawaii
Harold K.L. Castle Foundation
*HawaiiKidsCAN
*Hawai'i Afterschool Alliance
*Hawai'i Appleseed Center for Law and Economic Justice
*Hawai'i Association of School Psychologists
Hawai'i Athletic League of Scholars
*Hawai'i Charter School Network
*Hawai'i Children's Action Network
Hawa'i Education Association
Hawai'i Nutrition and Physical Activity Coalition
* Hawai'i State PTSA
Hawai'i State Student Council
Hawai'i State Teachers Association
Hawai'i P-20
Hawai'i 3Rs
Head Start Collaboration Office
It's All About Kids
*INPEACE
Joint Venture Education Forum
Junior Achievement of Hawaii
Kamehameha Schools
Kanu Hawai'i
*Kaua'i Ho'okele Council
Keiki to Career Kaua'i
Kupu A'e
*Leaders for the Next Generation
Learning First
McREL's Pacific Center for Changing the Odds
Native Hawaiian Education Council
Our Public School
*Pacific Resources for Education and Learning
*Parents and Children Together
*Parents for Public Schools Hawai'i
Punahou School PUEO Program
Special Education Provider Alliance
*Teach for America
The Learning Coalition
US PACOM
University of Hawai'i College of Education
YMCA of Honolulu

Voting Members () Voting member organizations vote on action items while individual and non-voting participants may collaborate on all efforts within the coalition.*



Hawai'i

Committee: Committee on Lower and Higher Education
Hearing Date/Time: Tuesday, June 23, 2020, 1:00 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 2486, S.D.1, Relating to Education Data.

Dear Chair Woodson, Vice Chair Hashem, Vice Chair Quinlan, and members of the Committee on Education:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in support of S.B. 2486, S.D. 1, which would reform Hawaii's laws on education data collection practices and make data more accessible to families, community members, and advocates.

Hawaii's current data collection policy is to have no policy at all, and provides no way to check if the data is accurate. This bill requires the Hawai'i State Department of Education ("DOE") to create mandatory policies for data collection and implement an audit process for determining if the data collected and submitted is accurate.

The federal Department of Education ("ED") requires all districts to submit biennially a set of data indicators called the Civil Rights Data Collection ("CRDC"). The last published collection was the 2015-16 school year. The DOE sends a guidance memo out each time the CRDC needs submission, but does not have official policies or requirements for how individual schools and complex areas must submit and verify this data. Individual principals send in their data, and it is up to those principals and complex area superintendents to verify this data. The central office at the DOE does not verify the accuracy of this data or enforce data collection best practices.

The Hawai'i Department of Education submitted inaccurate data and misrepresented data to the Federal Department of Education. There are two widespread examples of how this data has been inaccurate in the past, to the detriment of the children the DOE serves:

1. The DOE had to resubmit their 2015-16 CRDC data to the federal government in August 2019¹ after the ACLU of Hawai'i alerted them in June 2019² to drastic disparities in the

¹ Suevon Lee, "Hawaii DOE Releases Revised Data on Student Suspensions," *Civil Beat* <https://www.civilbeat.org/2019/08/hawaii-doe-releases-revised-data-on-student-suspensions/> (August 15, 2019).

² Suevon Lee, "ACLU Says Hawaii Schools Are Suspending Too Many Students," *Civil Beat* <https://www.civilbeat.org/2019/06/aclu-says-hawaii-schools-are-suspending-too-many-students/> (June 14, 2019).

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number and length of suspensions, particularly for Native Hawaiian and Pacific Islander students and students with disabilities. The DOE hired an outside consultant to recalculate the school discipline indicators.

For instance, the DOE said it double-counted suspension term lengths. As another example, the DOE reported zero school psychologists employed in 2015-16. Because school psychologists are employed at the complex level, only reporting school-level data meant that none were counted in that year's CRDC data. This results in advocates being unable to determine if the level of staffing is sufficient to meet students' needs.

2. The DOE misrepresented that it had collected data on instances of restraint³ and seclusion, per state and federal law, when it had not.⁴ It reported zero uses of restraint in the 2015-16 CRDC. Per a public records request the ACLU of Hawai'i submitted in January 2019, the DOE reported 67 cases in 2017-18. The DOE admitted in July 2019 that by reporting "zero" instances, **it meant it did not collect this data for 2015-16 year at all**, rather than having zero instances of restraint. This particularly affects children with disabilities. We owe it to our most vulnerable students to identify this data, and protect them.

The Federal Department of Education is rolling back data reporting requirements in the Civil Rights Data Collection. This bill retains those protections. Under this presidential administration, the federal government has consistently walked back or removed civil rights protections relating to transgender students; discrimination affecting an entire protected class within schools or school systems, including race, gender, national origin, and English Language learner and disability status; and now, in the types of data indicators school systems must collect. ED is proposing to modify future CRDC requirements. If the DOE does not collect data on student discipline, school climate, and student achievement, the state is not able to determine if there are deficiencies (or even success stories) and is not adequately serving its students.

The Department of Education does not adequately analyze its data for instances of disparity; this bill requires data analysis to identify disparities. Simply collecting data is step one. Step two is to analyze the data collected for disparities. "Do we suspend more Native Hawaiian youth than

³ U.S. Department of Education, "Restraint and Seclusion: Resource Document," p. 2
<https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf> (May 2012). Restraint means physically, mechanically, or chemically (via drug) to control movement or behavior; children have been injured and even died while in school due to these methods. The use of restraint presents high risks to the student's safety, and ED has found no evidence that using such methods decreases the behaviors that precipitated the need for restraints.

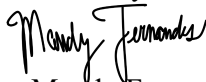
⁴ Suevon Lee, "Hawaii Provided 'Inaccurate' Data On Student Restraint And Seclusion," *Civil Beat*
<https://www.civilbeat.org/2019/07/hawaii-provided-inaccurate-data-on-student-restraint-and-seclusion/> (July 8, 2019).

Japanese youth? At which schools?" These types of questions could not be answered under current data practices. The ACLU of Hawai'i has submitted numerous public records requests related to school discipline disparities, but these requests have been returned unfulfilled because the DOE does not maintain these types of records. However, this is basic information that all interested parents, community members, advocates, and students should have access to; requiring this analysis and that the DOE take steps to address any disparities found, means that students will be identified and served.

The Department of Education does not adequately publish or make available data to families and advocates. The types of data collection and analysis required in this bill have been implemented in part or whole in over 30 states. This legislation is necessary to identify instances of disparity between our most vulnerable populations of students, and ensure that the disparities are rectified. The bill requires the DOE to make the data publicly available, in a format easy to understand. If we are truly dedicated to raising academic achievement, knowing how we decide to sanction students is imperative.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,



Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.



Hawaii Women's Coalition

To: Hawaii State House of Representatives Committee on Lower and Higher Education
Hearing Date/Time: Tues., June 23, 2020, 1:00 p.m.
Place: Hawaii State Capitol, Rm. 325
Re: Testimony of Hawaii Women's Coalition in strong support of S.B. 2486 S.D.1

Dear Chair Woodson and Members of the Committee,

Hawaii Women's Coalition writes in strong support of S.B. 2486, S.D. 1. Robust and accurate data collection and transparency is a critical first step in identifying ways to more fully meet students' needs in Hawaii.

The Hawaii Department of Education's ("DOE") data collection practices fall short, evidenced by its misreporting of civil rights data to the federal government for the 2015-16 school year. Without reliable data, agencies, parents, and community advocates cannot identify which students may be slipping through the cracks in our education system. S.B. 2486, S.D. 1 fills gaps in DOE's current data collection and reporting practices by 1) adding uniform procedures for accurate data collection; 2) codifying and strengthening the categories of data reported to the federal government through the Civil Rights Data Collection; 4) requiring the DOE to analyze its data; and 5) requiring annual review of this data. This measure gives the Legislature better tools to identify vulnerable student populations in future efforts to ensure that all students in the State of Hawaii have what they need to thrive.

Thank you for your support for this important measure.

Sincerely,
Hawaii Women's Coalition

SB-2486-SD-1

Submitted on: 6/22/2020 8:10:08 AM

Testimony for LHE on 6/23/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

SB-2486-SD-1

Submitted on: 6/20/2020 10:09:47 AM

Testimony for LHE on 6/23/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

SB-2486-SD-1

Submitted on: 6/22/2020 5:33:02 PM

Testimony for LHE on 6/23/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:



S E A C
Special Education Advisory Council
1010 Richards Street Honolulu, HI 96813
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov

June 23, 2020

**Special Education
Advisory Council**

Ms. Martha Guinan, *Chair*
Ms. Dale Matsuura, *Vice Chair*
Ms. Ivalee Sinclair, *Vice Chair*

Ms. Andrea Alexander
Ms. Brendelyn Ancheta
Ms. Virginia Beringer
Ms. Mary Brogan
Ms. Deborah Cheeseman
Ms. Annette Cooper
Mr. Mark Disher
Dr. Kurt Humphrey
Ms. Tina King
Ms. Bernadette Lane
Ms. Kaili Murbach
Ms. Carrie Pisciotto
Ms. Kau'i Rezentos
Ms. Rosie Rowe
Dr. David Royer
Mr. James Street
Mr. Francis Taele
Mr. Steven Vannatta
Ms. Lisa Vegas
Ms. Jasmine Williams
Ms. Susan Wood

Ms. Annie Kalama, *liaison to
the Superintendent*
Dr. Bob Campbell, *liaison to
the military community*

Amanda Kaahanui, Staff
Susan Rocco, Staff

Representative Justin H. Woodson, Chair
Committee on Lower & Higher Education
Hawaii State Capitol
Honolulu, HI 96813

RE: SB 2486, SD 1 - RELATING TO TEDUCATION DATA

Dear Chair Woodson and Members of the Committee,

The Special Education Advisory Council (SEAC) strongly supports SB 2486, SD 1 which requires the HIDOE to provide a standardized data collection process and collect and analyze data relating to student discipline, restraints, school climate, and student achievement.

SEAC has been deeply concerned about the suspension rates for students eligible for special education services under the Individuals with Disabilities Education Act (IDEA) since a study during the Felix Consent Decree revealed a significant disparity: special education suspensions were three times higher than for students without disabilities. This disparity has remained consistently two to three times higher than for the student population as a whole (source: IDEA 618 Data Reports). As a result, these exclusionary disciplinary practices disproportionately impact instruction for students with disabilities and contribute to poor academic and post school outcomes. Additionally, there is little evidence that suspensions deter students from breaking school rules again.

SEAC, as Hawaii's State Advisory Panel under IDEA, has a responsibility to advise the Department of Education on the unmet needs of students with disabilities as well as on policies affecting their academic success. SEAC annually tracks Hawaii's statewide discipline data collected by the USDOE and has repeatedly called attention to the need to reduce these rates. Our efforts have included highlighting trend data in our annual report and providing recommendations to the Superintendent and to the Board of Education.

-- continued on page 2



Testimony on SB 2486, SD 1
June 23, 2020
Page 2

SEAC's ability to adequately advise the HIDOE has been significantly hampered, however, by a lack of access to school- and complex-level data. We therefore deeply appreciate the detailed reporting requirements in SB 2486, SD 1 including information collected on all subgroups, restraints data, and evidence-based strategies schools and complexes are using to provide inclusionary discipline.

During Hawaii's Race to the Top initiative, all schools were required to develop data teams and early warning systems to signal when students are beginning to experience academic failure or chronic absenteeism. SEAC believes the data reporting requirements of SB 2486, SD 1 are within the capability of our public schools and in the interest of all students, especially students with disabilities who experience the highest incidence of out-of-school suspensions and restraints. This enhanced reporting will also help to promote consistent best practice across the state and keep parents and the community informed.

Thank you for the opportunity to provide testimony on this important legislation. We are more than happy to provide additional information as needed.

Respectfully,

Martha Guinan
Chair

Ivalee Sinclair
Legislative Committee Chair

SB-2486-SD-1

Submitted on: 6/21/2020 5:30:04 PM

Testimony for LHE on 6/23/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Leake	Individual	Support	No

Comments:

To: The Senate Committee on Agriculture and Environment (AEN) and the Senate Committee on Water and Land (WTL)

From: David Leake

Date: Wednesday, June 24, 2020, 12:30 pm

In strong support of HB 2486 HD1

Aloha Chairs Gabbard, Kahele, and members of AEN and WTL:

I strongly urge you to restore the language from HB2486 HD1. This bill has the potential to establish a statewide sustainability division to ensure successful, coordinated efforts towards climate change adaption and sustainability. *Global warming is the greatest existential threat of our time.* To tackle the crisis we are faced with and accomplish what scientists say is needed to avert climate breakdown, it will take the dedicated, coordinated, and bold efforts as delineated in HB2486 HD1.

In contrast, HB2486 HD2 provides no clear vision or direction, but instead offers generalized and vague activities for the Office of Planning to perform. I strongly urge the climate change adaption and sustainability goals be restored to this bill, in addition to the language from HB2486 HD1 which directed the State Sustainability Coordinator to conduct a study on implementing a "Green New Deal" for Hawaii.

I urge you to support **HB2486 HD1** and move us in the right direction to face this crisis head-on.

SB-2486-SD-1

Submitted on: 6/23/2020 11:51:05 AM

Testimony for LHE on 6/23/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Jenkins	Individual	Support	No

Comments:

SB-2486-SD-1

Submitted on: 6/23/2020 12:01:25 PM

Testimony for LHE on 6/23/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Elento	Individual	Comments	No

Comments:

Consider the civil rights of students with disabilities and the DOE's history of denying or ignoring these students' requests for geographical exceptions and other inequitable decisions made by the DOE.

The US Education Department is requiring the DOE to change HAR 8-27 due to non-compliance with IDEA and Sec. 504.

Collect data regarding geographical exceptions and bus transportation of students with disabilities (both eligible or not eligible for special education) including students who attend charter schools, to influence fair decision-making and funding.

Thank you.