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**Testimony in SUPPORT of SB811 SD2
RELATING TO DEMOGRAPHIC DATA
COMMITTEE ON LABOR & GOVERNMENT OPERATIONS**

Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair

Hearing Date: March 16, 2023

Dear Chair Scot Z. Matayoshi, Vice Chair Andrew Takuya Garrett, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) is in **STRONG SUPPORT** of SB811 SD2, which requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

SB811 SD2 seeks to address a critical issue facing Asian American, Native Hawaiian, and Pacific Islander communities in the State. It recognizes that these communities are diverse and require different approaches to address their unique social, educational, health, and economic challenges.

Currently, the bill requires state agencies, boards, and commissions that collect demographic data to use separate collection categories and tabulations for Native Hawaiian, Asian, and Pacific Islander Groups. This ensures that data is collected in a way that accurately represents the diversity of these communities. It also requires that the data be made publicly available for it to be used to create targeted programs that address the specific needs of these communities.

Thank you for your support and consideration,

A handwritten signature in black ink, appearing to read 'Catherine Chen', is written over a light blue horizontal line.

Catherine Chen
Hawai'i Coalition for Immigrant Rights



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
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House Committee on Labor & Government Operations

Representative Scot Z. Matayoshi, Chair

Representative Andrew Takuya Garrett, Vice Chair

Thursday, March 16, 2023, 9:30 AM, Conference Room 309 & Videoconference

RE: SB 811 SD 2 – RELATING TO DEMOGRAPHIC DATA

Position: SUPPORT

Dear Chair Matayoshi, Vice Chair Garrett, and Members of the Committee on Labor & Government Operations,

Papa Ola Lokahi testifies in **SUPPORT** of **SB 811 SD 2**, which addresses improving race/ethnic data governance and release for the State of Hawai‘i. Racial/ethnic diversity is one of the arenas in which Hawai‘i has especially unique considerations and features, including the largest state population of Native Hawaiians. Thus, the Native Hawaiian community is particularly impacted by the standards and policies around race/ethnic data governance established by the State of Hawai‘i. The stated goals of SB 811 SD 1 reflect the need to understand the dynamic environment of data within the State, improve data for Asian Americans (AA), Native Hawaiians (NH), and Pacific Islanders (PI), and provide data access so that government and non-government entities alike can analyze data and make data-informed decisions. Having a more nuanced understanding of AA, NH, and PI groups is valuable in Hawai‘i because these groups, when aggregated, represent more than half of the State population according to [2020 Census data](#).

We appreciate the bill language that calls State Departments to compile and share existing data so that community partners may understand what is currently collected by State entities so next steps may be identified in a reasonable sequence, as we have found that the extent of race/ethnicity data collected by the State varies from unit to unit within the Department of Health ([Data Justice: About Us, By Us, For Us](#)). In addition, we found that the algorithms applied to race/ethnicity data from unit to unit were not necessarily standardized. Therefore, we highly recommend that data dictionaries from each unit that collects race/ethnicity data be provided so that entities can understand data consistency between different units, which may have implications when secondary analyses are considered.

Papa Ola Lokahi also appreciates the task force proposed in SB 811 SD 2, as the other items in the bill can also contribute to facilitating future partnerships. Should the bill pass, we recommend the task force reach out to the standing data and research community coalitions AA, NH, and PI groups have convened over the last several years.

Thank you for the opportunity to testify in **SUPPORT** of **SB 811 SD 2**.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHAHA

March 16, 2023

To: The Honorable Scot Z. Matayoshi, Chair,
The Honorable Andrew Takuya Garrett, Vice Chair, and
Members of the House Committee on Labor & Government Operations

Date: Thursday, March 16, 2023

Time: 9:30 a.m.

Place: Via Videoconference & Room 309, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 811 SD2 RELATING TO DEMOGRAPHIC DATA

I. OVERVIEW OF PROPOSED LEGISLATION

DLIR appreciates the intent of this measure and **offers comments**. SB811 SD1 proposes to amend Chapter 27, Hawaii Revised Statutes (HRS), by adding a new section, requiring any state agency which collects demographic data as to ancestry or ethnic origin shall use separate collection categories and tabulations when it comes to: Native Hawaiians, each of the major Asian groups, including but not limited to Chinese, Filipino, Japanese, and Korean; and each of the other major Pacific islander groups, including but not limited to Chamorro, Samoan, Tongan, Fijian, Tahitian, Marshallese, Chuukese, Kosraean, Pohnpeian, Yapese, Palauan, Nauruan, and Kiribati. The agency shall disaggregate data consistent with federal standards and shall be required to share such data with the Office of Hawaiian Affairs and the DOH's Office of Health Equity by publishing the data on the agency's website.

II. COMMENTS ON THE SENATE BILL

To comply with federal requirements as a federal grant recipient, the Unemployment Insurance (UI) Division is required to ask claimants for their demographic data but cannot compel the claimants to provide the data—except where the information is necessary to determine eligibility for UI benefits.

To accommodate the provisions in this bill, the current mainframe-based UI benefit system must be modified. The UI benefits system that is mainframe based is at the end of its lifecycle and an expansion of the current system could cause the system to crash, resulting in UI benefit payments to claimants coming to a halt. The effort to restore the system would be tremendous and place an administrative burden on

both the department and, ETS, and the department's mainframe and up-front web application contractors.

The department is currently in the midst of the Request for Proposal (RFP) process to modernize its Unemployment Insurance system and the provisions of the bill can be incorporated into the requirements of the modernized system. The department would not be capable of posting the data by July 1, 2024.



TESTIMONY IN SUPPORT OF S.B. 811, S.D. 2

Thursday, March 16, 2023, 9:30 A.M.
Conference Room 309 & Videoconference

To: Representative Scot Z. Matayoshi, Chair
Representative Andrew Takuya Garret, Vice Chair
Committee on Judiciary & Hawaiian Affairs

From: The Hawai'i Friends of Civil Rights
Co-Chairs Amy Agbayani and Pat McManaman

Chair Matayoshi, Vice-Chair Garret, and Members of the Committee

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination. We are in **SUPPORT OF S.B. 811, S.D.2.**

Disaggregated data on Native Hawaiian, Pacific Islanders, and Asian populations is important for immigrant communities and for Hawai'i as a whole. S.B. 811, S.D.2 is a critical step forward to achieving health equity and informed, data-driven decision-making in our state.

The pandemic underscored the importance of disaggregated race, ethnicity, and spoken language data in the delivery of critical health care information and other services for Native Hawaiian, Pacific Islanders, Filipino, and limited English proficient residents. A group that represents close to 50% of all Hawai'i residents.

Data disaggregation will allow government agencies to determine immediate community-specific needs and impacts in any emergency, natural disaster, or health pandemic and to also meet those needs in relevant languages and in a culturally appropriate manner. Importantly, this granular data will also support government agencies in leveraging federal grants and funding.

Disaggregating the data collected by public health, safety, and welfare programs will also allow those agencies to fulfill their missions and enhance their business models for providing care for all of Hawai'i's residents in disaster preparedness, response, and recovery.

Thank you for the opportunity to testify on this measure.

SB-811-SD-2

Submitted on: 3/14/2023 9:07:57 PM

Testimony for LGO on 3/16/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Dear Chair Matayoshi, Vice Chair Garrett and LGO Committee Members

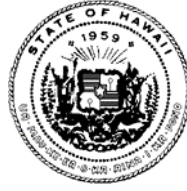
As a public health professional and a concerned citizen, I am writing **in support of SB811 SD2**, which requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

As we saw during the early COVID-19 pandemic, lack of data disaggregation can mask health disparities of communities, thereby making the public health response more challenging (<https://www.cdc.gov/mmwr/volumes/70/wr/mm7037a1.htm>). SB811 seeks to address this critical issue which affects Asian American, Native Hawaiian, and Pacific Islander communities that make up the majority of the State. It recognizes that these communities are diverse and require different approaches to address their unique social, educational, health, and economic challenges.

Thank you for your time and consideration.

Thaddeus Pham (he/him)

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 15, 2023

TO: The Honorable Representative Scot Z. Matayoshi, Chair
House Committee on Labor & Government Operations

FROM: Cathy Betts, Director

SUBJECT: [SB 811 SD2](#) – RELATING TO DEMOGRAPHIC DATA.

Hearing: March 16, 2023, 9:30.m.
Conference Room 309 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure, provides comments, and defers to other impacted Departments.

PURPOSE: The bill's purpose requires state agencies to disaggregate data consistent with federal standards and requires publication of the data. Establishes a task force to assess demographic data collection, processing, retention, and sharing procedures, needs, and challenges. Requires a report to the Legislature. Effective 7/1/2112. (SD2)

The SD1 amended the measure by:

- (1) Updating language to reflect a more accurate and inclusive representation of major Asian groups and Pacific Islanders;
- (2) Identifying the agencies required to improve processes relative to the collection and dissemination of disaggregated data;
- (3) Establishing a task force on twenty-first Century Data Governance that is required to report to the Legislature prior to the Regular Session of 2024;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Inserting an effective date of July 1, 2112, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The SD2 amended the measure by:

- (1) Clarifying the task force on twenty-first century data governance's subject matter scope;
- (2) Inserting a dissolution date of June 30, 2024, for the task force; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

DHS supports the intent of this measure to disaggregate data related to Asian Americans, Native Hawaiians, and other Pacific Islanders in a standard or uniform manner to make the information available to the public for targeted policy and program development and to maintain government accountability and transparency.

DHS strives to collect all pertinent client information, including racial and ethnic data, based on self-reporting. Self-reporting is the best practice for collecting racial and ethnic data from the people we serve. DHS has disaggregated fields for both racial and ethnic data. To make the demographic data meaningful to understand better the needs of specific ethnic groups, the data governance, including data standards, must first be established for all state agencies to follow for uniformity. In addition, in Hawaii, many households are of mixed race and ethnicity. This diversity complicates the data extract and summary of how to present the extracted data. Without the standards, there is a high likelihood that the data report may be skewed.

The work to develop state data governance is ongoing through several efforts. DHS actively participates in these efforts. For example, Senate Concurrent Resolution 5 (SCR5), Session Laws of Hawaii (SLH) 2021, formed a Task Force on 21st Century Data Governance, led by the Office of Hawaiian Affairs and consisting of several state agencies, including the Chief Information Officer of the Office of the Enterprise Technology Services. The purpose of the SCR5 was to facilitate effective and efficient fact-based policymaking in the 21st century by developing procedures and agreements for improving data collection, processing, retention, governance, and sharing for Native Hawaiians, Pacific Islanders, and other relevant demographics and to submit a report on findings based on surveys, interviews, and collections of the procedures and agreements to the Legislature.

Another effort to note is Act 167, SLH 2022, Relating to Government Data. The purpose of Act 167 is to establish within the Office of Enterprise Technology Services a chief data officer and a data task force to develop, implement, and manage statewide data policies, procedures, and standards. The chief data officer is responsible for leading the effort to develop, implement, and manage statewide data policies, procedures, and standards under section 27-44.3, Hawaii Revised Statutes, and to facilitate data sharing across state agencies. The task force is to begin this year.

Of note, DHS currently posts some disaggregated data on its website. However, collecting additional race and ethnicity data will require additional resources, including the addition of data analysts or stewards and time to modify multiple program systems to fulfill the vision of this measure. In addition, DHS is experiencing vacancies across programs, including IT, and does not have staff or resources dedicated to broader system-wide data analytics or comparative analysis. DHS will also need to determine protocols aligned with federal program requirements, preserve the integrity of the programs – as data can be easily misinterpreted or misused, and be especially mindful of protecting residents' information from being re-identified.

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

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/16/2023
Time: 09:30 AM
Location: 309 VIA VIDEOCONFERENCE
Committee: House Labor & Government
Operations

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB 0811, SD2 RELATING TO DEMOGRAPHIC DATA.

Purpose of Bill: Requires state agencies to disaggregate data consistent with federal standards and requires publication of the data. Establishes a task force to assess demographic data collection, processing, retention, and sharing procedures, needs, and challenges. Requires a report to the Legislature. Effective 7/1/2112. (SD2)

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 811, SD2, to standardize the disaggregation categories across all state agencies and offers the following comments.

The Department notes that increased disaggregated categories may result in non-reportable data depending on the n-size of the data reported for a complex area, school, or grade level, which may not be useful for decision-making. The Department is responsible for adhering to the federal Family Educational Rights and Privacy Act (FERPA) which protects the privacy of student education records. Reporting less than eleven (11) students in any one category must be suppressed under FERPA. Therefore, reporting by the proposed disaggregated categories may result in a decrease of useful, reportable data of the more granular Asian, Native Hawaiian, and Pacific Islander categories as several of the identified populations cited total less than ten (10) students for the Department.

The Department currently collects some, but not all, of the disaggregated categories highlighted in the proposal via its student information system. Therefore, the Department will need to modify its student information system and other related systems that include student and personnel data, ensure that all current students and staff complete new information forms, update student and staff records, and modify its reports.

If the intent of this bill is to require only the named agencies (Department of Health, Department of Labor and Industrial Relations, Department of Human Services, and each county police department) to provide the requested data, the Department requests that Section 2, Page 4, lines 6-11 be amended to read:

" (a), Any state agency, board, or commission except for the department of education that directly or by contract collects demographic data regarding ancestry or ethnic origin shall use the following separate collection categories and tabulations"

Alternatively, if the intent of this measure is to include the Department, the Department requests an extended implementation timeline to ensure that its data-collecting and reporting systems are properly configured and functional. The Department would then also request to have representatives serve on the Task Force on Twenty-First Century Data Governance should the Department be named in this bill.

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



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Labor & Government Operations
Thursday, March 16, 2023, at 9:30 a.m.

By

Debora Halbert
Vice President for Academic Strategy
University of Hawai'i System

SB 811 SD2 – RELATING TO DEMOGRAPHIC DATA

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

Thank you for the opportunity to provide comments on SB 811 SD2, relating to demographic data. The University of Hawai'i (UH) recognizes and celebrates the diversity of cultures and languages previously coalesced together in federal reporting under the category of "Asian American and Pacific Islander."

UH fully supports the legislature's intent to catalyze meaningful representation of our population relating to Asian American, Native Hawaiian, and other Pacific Islander ethnic groups. Indeed, UH has been engaged in these efforts for decades to properly distinguish and support the diverse cultures in its student body, staff, and faculty.

UH goes beyond federal requirements in reporting on ethnicity and race data collection for students and employees. UH also currently disaggregates race and ethnicity data for Asian American, Native Hawaiian, and other Pacific Islander groups. Regarding student data, UH deploys ten (10) distinct categories of Asian ethnicities and eight (8) distinct categories of Pacific Islanders, including Native Hawaiians. To determine which Asian and Pacific Islander ethnic groups to track, UH currently relies upon U.S. Census data for the State of Hawai'i, establishing a threshold of 1% of the state population for residents between the ages of 18 and 25. This led UH to begin separating out Marshallese as a distinct ethnic category last year.

UH is obligated to follow the Family Educational Rights and Privacy Act (FERPA) in order to protect student privacy rights by ensuring the data it presents cannot be linked to individual students. The current iteration of SB 811, by requiring UH to disaggregate each Pacific Islander category, will routinely produce headcounts small enough to force UH to suppress the data to protect student privacy rights as established under FERPA. In practice, this will render much of the desired data unreportable, such as graduation rates. Additionally, if passed, UH respectfully requests a delayed effective date of January 1, 2025 to allow additional time for implementation and revision of collection

tools (e.g., admissions applications) to capture the level of ethnic disaggregation required under this bill.

UH believes it would be helpful for the legislature to include language in the bill that enables the reporting of people of mixed race/ethnicity and considers the question of prioritization. For example, UH has a matrix that sets reporting categories in which the Native Hawaiian designation is the top priority and supersedes all other races and ethnicities in its demographic reporting. The same matrix indicates, for example, that someone who identifies as both Tongan and Samoan should be reported as "Mixed Pacific Islander" and someone who identifies as both Japanese and Chinese should be reported as "Mixed Asian."

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

SB-811-SD-2

Submitted on: 3/15/2023 8:12:55 PM

Testimony for LGO on 3/16/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharde Freitas	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair Matayoshi, Vice Chair Garrett, and Members of the House Committee on Labor and Government Operations,

Mahalo for the opportunity to provide my comments on SB811 SD2. I appreciate the intent of this measure, and support the need for disaggregated data. While SCR5 from the 2021 legislative session has been noted in prior testimony, it is also important to note that the task force created from SCR5 has prepared a report for the legislature (report). Within this report, I will highlight the following recommendations:

- "(3) Encourage agencies to work within systems to bridge data gaps."
- "(4) Educate state agencies and community organizations on the importance of collecting better data to encourage buy-in and support to improve data collection practices."
- "(5) Identify the current data modernization efforts across the state departments, agencies, and offices to ensure that these initiatives are informed regarding the need to collect more granular data such that Native Hawaiian and Pacific Islander are disaggregated until such time as data collection standards are implemented."

With that, I urge the Committee to consider ways to leverage the findings and recommendations from this report prepared by the SCR5 task force to be move closer towards disaggregated data and data governance. Currently, I believe it is a bit premature to move forward with SB811 SD2 that would mandate disaggregated race groups without following through on the recommendations detailed in the report, and without the necessary data infrastructure and training. Since the task force has already been convened, there is likely no need to include the task force as part of the bill language.

Lastly, a key tenet that runs true in the communities that I have worked with is exemplified by the saying, "No Kākou, na kākou" (for us, by us). In other words, as a shared principle in aim of equity and justice, it is critical to have the disaggregated race groups represented in developing a standardized list. Please also see the Native Hawaiian and Pacific Islander COVID-19 Response, Recovery, and Resilience Team's website with a resource on data collection standards here: <https://www.nhpicovidhawaii.net/nhpi3rhawaiidatastandardslist>

Mahalo for the opportunity to provide comments on SB811 SD2.

Sincerely,

Sharde Freitas, Esq., MPH