



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

**Date:** 01/31/2020

**Time:** 02:45 PM

**Location:** 229

**Committee:** Senate Education

**Department:** Education

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

**Title of Bill:** SB 2486 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, school climate, and student achievement; and annually report certain information to the Board of Education, Legislature, and the public.

**Department's Position:**

The Department of Education (Department) supports SB 2486 with the proposed amendment. 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 data 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.

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 Department publicly reports data for subgroups when the subgroup is greater than ten (10) students. Data is not publicly reported for a subgroup with ten (10) or fewer students. This practice ensures that the personally identifiable information of each student is kept private, while also maintaining alignment with Hawaii's approved Hawaii Consolidated State Plan for the Every Student Succeeds Act. As such, the Department proposes the following amendment for the Committee's consideration:

Page 4, line 14 through 19 should be revised to read: *Data shall be reported as required by this section when the number of students in a particular data subgroup is greater than **ten (10)** and shall be redacted when the number of students in a particular data subgroup is **ten (10)** or fewer; provided that the personally identifiable information of each student shall be kept private.*

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](http://www.hawaiipublicschools.org).



## Hawai'i

Committee: Committee on Education  
Hearing Date/Time: Friday, January 31, 2020/2:45pm  
Place: Conference Room 229  
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 2486, Relating to Education Data.

Dear Chair Kidani, Vice Chair Kim, 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, which would reform Hawai'i's laws on education data collection practices and make data more accessible to families, community members, and advocates.

**Hawai'i'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 2019<sup>1</sup> after the ACLU of Hawai'i alerted them in June 2019<sup>2</sup> of drastic disparities in the

---

<sup>1</sup> 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).

<sup>2</sup> 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).

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

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 their 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 restraint<sup>3</sup> and seclusion, per state and federal law requirements, when it had not.<sup>4</sup> 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 at least 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 the 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

---

<sup>3</sup> 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.<sup>3</sup> 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.

<sup>4</sup> 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,

Rae Shih  
Legal Fellow  
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.*

**SB-2486**

Submitted on: 1/28/2020 9:20:52 PM

Testimony for EDU on 1/31/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	Testifying for aauw of hawaii	Support	No

Comments:



**S E A C**  
**Special Education Advisory Council**

919 Ala Moana Blvd., Room 101

Honolulu, HI 96814

Phone: 586-8126 Fax: 586-8129

email: [spin@doh.hawaii.gov](mailto:spin@doh.hawaii.gov)

January 31, 2020

**LATE**

**Special Education  
Advisory Council**

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

Senator Michelle N. Kidani, Chair  
Committee on Education  
Hawaii State Capitol  
Honolulu, HI 96813

RE: SB 2486 - Relating to Education Data

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. Cathy Kahooohanohano  
Ms. Tina King  
Ms. Bernadette Lane  
Ms. Kaili Murbach  
Ms. Stacey Oshio  
Ms. Carrie Pisciotto  
Ms. Kau'i Rezentos  
Ms. Rosie Rowe  
Dr. David Royer  
Mr. James Street  
Mr. Francis Tael  
Mr. Steven Vannatta  
Ms. Jasmine Williams  
Ms. Susan Wood

Dear Chair Kidani and Members of the Committee,

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

SEAC has been deeply concerned about suspensions 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 that 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 misbehaving again.

Ms. Cara Tanimura, *liaison  
to the Superintendent*  
Dr. Bob Campbell, *liaison to  
the military community*

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 required by the USDOE and has consistently called attention to the need to reduce these rates through sharing trend data in our annual report and providing recommendations to the Superintendent and to the Board of Education.

Amanda Kaahanui, Staff  
Susan Rocco, Staff

-continued on 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 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 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.

Sincerely,

  
Martha Guinan  
Chair

  
Ivalee Sinclair  
Legislative Committee Chair





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: Senator Kidani, Chair  
Senator Kim, Vice Chair  
Senate Committee on Education

Re: SB 2486- Relating to education data  
Hawai'i State Capitol, Room 229  
2:45PM, 1/31/2020

Chair Kidani, Vice Chair Kim, 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.**

Having accurate data on school climate, student achievement, suspensions, and school-related arrests 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

Statement Before The  
**SENATE COMMITTEE ON EDUCATION**  
Friday, January 31, 2020  
2:45PM  
State Capitol, Conference Room 229

in consideration of  
**SB 2486**  
**RELATING TO EDUCATION DATA.**

Chair KIDANI, Vice Chair KIM, and Members of the Senate Education Committee

Common Cause Hawaii supports SB 2486, 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 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 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.

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii

**SB-2486**

Submitted on: 1/30/2020 2:35:11 PM

Testimony for EDU on 1/31/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jane Preece	Testifying for Hawaii Disability Rights Center	Comments	Yes

Comments:

The Hawaii Disability Rights Center submits these comments concerning SB 2486.

This bill will help the Legislature and the public to know how students with disabilities are being educated by the Hawaii Department of Education (HIDOE). Currently, HIDOE has nonexistent or insufficient standards and controls on collecting and maintaining data. This has resulted in two recent incidences where inaccurate information was released to the public.

One example of this was when HIDOE reported suspension numbers showing that it had the highest rate **in the nation** of suspending students with disabilities. When this unusually high rate was reported multiple times in the news media in mid-2019, HIDOE said it was not correct and claimed it had double counted some suspensions. HIDOE has not provided its revised suspension data in a way that makes it possible to determine the suspension rate for students with disabilities. Thus, neither the Legislature nor the public knows HIDOE's current claims as to the suspension rate for students with disabilities.

A second example was when HIDOE reported to the federal government that it had not used restraints for an entire school year. Although HIDOE admitted that figure was inaccurate, it has not provided any alternative figure. Thus, neither the Legislature nor the public knows the amount of restraints used at HIDOE schools.

Our agency also receives frequent reports of students sent home from school due to behavior problems without the school providing a written finding required by HAR §8-19-8. We suspect that in many of these incidents, the school is not reporting the missed school as a suspension. This bill, by requiring HIDOE to analyze and maintain its data, should reduce the use of these unreported (ad hoc) suspensions.

The United States Department of Education Civil Rights Data Collection shows that students with disabilities are suspended or restrained at higher levels than are students without disabilities. It is important that HIDOE collect and make public suspension and other discipline information in a consistent manner to allow the public and the Legislature to evaluate the education received by students with disabilities.

Currently, the Federal Government is eliminating many reporting requirements. Therefore, it is particularly important now that the Legislature establish HIDOE's obligation to maintain and publish accurate information.

**SB-2486**

Submitted on: 1/28/2020 10:30:15 PM

Testimony for EDU on 1/31/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton	Individual	Support	No

Comments:

**SB-2486**

Submitted on: 1/28/2020 10:52:59 PM

Testimony for EDU on 1/31/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Boyne	Individual	Support	No

Comments:

As a teacher, I support SB2486 because:

1. Ensuring adequate data transparency:

- Discipline that keeps students engaged in the learning process and in the school community is more effective than discipline that interrupts the learning process and separates the learning community.
- The federal department of education is rolling back data reporting requirements in the Civil Rights Data Collection. This bill retains those protections.
- The DOE has submitted incorrect data to the federal government.
- This bill:
  1. Adds procedures for accurate data collection;
  2. Collects data on indicators relating to school climate and student achievement, including requirements the federal government is rolling back;
  3. Makes public data relating to school climate and student achievement in a way that is understandable to families and advocates;
  4. Requires the department to analyze this data; and
  5. Requires review of this data annually by the board of education and legislature.

Sincerely,

Jonathan Boyne

Committee: Committee on Education

Hearing Date/Time: Friday, January 31, 2020/2:45pm

Place: Conference Room 229

Re: Testimony of Judith Armstrong in Support of S.B. 2486, Relating to Education Data.

Dear Chair Kidani, Vice Chair Kim, and members of the Committee on Education:

I, Judith Armstrong, am writing in support of S.B. 2486, 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 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 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, I ask the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

Judith Armstrong

1717 Ala Wai Blvd  
Apt 3006  
Honolulu, HI 96815

**SB-2486**

Submitted on: 1/29/2020 5:41:54 PM

Testimony for EDU on 1/31/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Kunitake	Individual	Support	No

Comments:

Please support SB2486.

Mahalo,

Caroline Kunitake