



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Ways and Means
Wednesday, March 1, 2023, at 10:10 a.m.

By

Debora Halbert

Vice President for Academic Strategy
University of Hawai'i System

SB 811 SD1 – RELATING TO DEMOGRAPHIC DATA

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

Thank you for the opportunity to provide comments on SB 811 SD1, 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 in order to properly distinguish and support the diverse cultures present in its student body, staff, and faculty.

UH is in compliance with federal regulations on ethnicity and race data collection for both students and employees. UH also currently disaggregates race and ethnicity data for Asian American, Native Hawaiian, and other Pacific Islander groups. In terms of student data, UH deploys ten (10) distinct categories of Asian ethnicities and eight (8) distinct categories of Pacific Islanders, including Native Hawaiians. In order 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 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.

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 LIMAHANA

March 1, 2023

To: The Honorable Donovan M. Dela Cruz, Chair,
The Honorable Gilbert S.C. Dela Cruz, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Wednesday, March 1, 2023

Time: 10:10 a.m.

Place: Conference Room 211 & Videoconference, State Capitol

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

Re: S.B. 811 HD1 RELATING TO DEMOGRAPHIC DATA

I. OVERVIEW OF PROPOSED LEGISLATION

DLIR appreciates the intent of this measure and offers comments. SB811 HD1 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, the 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 which 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.

JOSH GREEN, M.D.
GOVERNOR



LATE

KEITH T. HAYASHI
SUPERINTENDENT

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

Date: 03/01/2023

Time: 10:10 AM

Location: CR 211 & Videoconference

Committee: Senate Ways and Means

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB 0811, SD1 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 current data collection, processing, retention, and sharing procedures; needs; and challenges. Requires a report to the Legislature. Effective 7/1/2112. (SD1)

Department's Position:

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

The Department currently disaggregates data for federal reports that include Asian, Native Hawaiian, and Pacific Islanders as separate categories. Additionally, the Department further disaggregates Asian into 'Asian (excluding Filipino)' and 'Filipino' in federal school accountability reporting, as required by federal guidelines.

The Department currently collects some of the disaggregated categories highlighted in the proposal via the student information system. However, reporting of the additional, more detailed disaggregated categories is not done for every demographic report (unless governed by federal standards requiring the use of other categories).

Consideration should be given to the size of the various subgroups in the overall population when determining the disaggregated categories. Splitting the population into

smaller categories for data collection and reporting may pose unintended consequences.

As an example, the reporting of student data must adhere to the federal Family Educational Rights and Privacy Act (FERPA) which protects the privacy of student education records. Increased disaggregated categories may result in non-reportable data as any data set less than eleven (11) individuals must be suppressed under FERPA law. 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. This may also impact the utility and purpose of the Department's reports as many of these disaggregated categories will not be reportable.

The Department will need a substantial appropriation to effectuate these changes and also requests an extended implementation timeline in order to modify the student information data collection system. Additionally, the Department will require all previously enrolled students to complete a new student information form to update its student records. It should be noted that upon implementation, the longitudinal comparability of student data by the disaggregated categories will be impacted.

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



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**Testimony in SUPPORT of SB811 SD1
RELATING TO DEMOGRAPHIC DATA
COMMITTEE ON WAYS AND MEANS**

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: March 1, 2023

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

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

SB811 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.

While our firm desire is that every state agency, board, and commission adopt and utilize good data governance procedures- we recognize that this transition will take time and additional training and funding. As such, we do not want to discourage these agencies and departments from collecting any ethnic or racial data to avoid reporting. We also recognize that several departments are already pioneering data disaggregation and deserve to have their work recognized and elevated. As such, we are suggesting a few amendments to the bill to help smooth the transition and incorporate the stakeholders that have been working diligently on this issue.

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
Co-Coordinator/Refounder, Hawai'i Coalition for Immigrant Rights

TESTIMONY IN SUPPORT OF SENATE BILL 811, SD1

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF DECISION MAKING

DATE: Wednesday, March 1, 2023
TIME: 10:10 AM
PLACE: Conference Room 211 & Videoconference
State Capitol
415 South Beretania Street
TIMESLOT: WAM

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

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

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination. We stand in **Strong Support of Senate Bill 811, SD1 with Suggested Amendments.**

Senate Bill 811 is a critical step to assuring against structural/institutional discriminatory access to government services, programs, and benefits for all Hawai'i residents. Without good data, government is unable to develop structural policies to address critical needs including access to health care, social services, disaster emergency assistance, workforce development, arrest and incarceration rates, and other services, programs, and activities critical to Hawai'i's residents.

Good granular data also strengthens the state's ability to leverage federal grants and other funding opportunities.

We Recommend that Section 2 (a) page 4, lines 3-8 be amended to use separate collection categories as follows:

- (1) Native Hawaiians
- (2) Each major Asian group, **of 1,000 or more persons,** including but not limited to Chinese, Filipino, Korean, **and Vietnamese persons.**

(3) Each other major Pacific island group, **of 1,000 or more persons**, including but not including but not limited to **Chuukese, Guamanian, Marshallese, Samoan, or Tongan persons**;

We Recommend that Section 2 (b) at lines 11-12 be amended to read, “included in every demographic report ~~referencing~~ on ancestry or ethnic origins by a state department, agency, board, or commission” This will change will address community concerns that a “demographic” report may be narrowly interpreted by state entities and defeat the intended purpose of the bill.

Thank you for the opportunity to testify on this measure.



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
www.papaolalokahi.org

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 1, 2023, 10:10 AM, Conference Room 211 & Videoconference

RE: SB 811 SD 1 – RELATING TO DEMOGRAPHIC DATA
Position: SUPPORT

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

Papa Ola Lokahi testifies in **SUPPORT** of **SB 811 SD 1**, 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 1, 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 1**.

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.



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Testimony in SUPPORT of SB811
RELATING TO DEMOGRAPHIC DATA
COMMITTEE ON WAYS & MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: March 1st, 2023

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) is in **STRONG SUPPORT** of SB811 SD1, which requires state agencies to disaggregate data consistent with federal standards, publication of that data and the creation of a data governance task force. We have worked with other relevant stakeholders including Papa Ola Lokahi, to propose slight amendments to the previous draft that are now reflected in SD1. We are grateful to Senator Aquino for accepting those suggestions and to Chair McKelvey for including them in the GVO conference committee report.

SB811 SD1 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.

We strongly support the creation of a task force that will assess and move forward the state's data governance and disaggregation policies and procedures. Such policies are a priority at the federal level and at least five other states including; New York, Washington, Massachusetts and California have already adopted similar legislation. Given Hawai'i's unique demographics and extensive diversity within the AANHPI category it is common sense that we would not only have innovative and practical methods to advance this work in the state, but that we would also be able to contribute to the national conversation on data equity.

SB811 SD1 is crucial in addressing the diverse challenges faced by Asian American, Native Hawaiian, and Pacific Islander communities by requiring accurate data collection, analysis, and



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dissemination to ensure that these communities receive the support and resources they need to thrive.

Thank you for your support and consideration,

Liza Ryan Gill
Coordinator/Refounder
Hawai'i Coalition for Immigrant Rights

Filipinos for Affirmative Action

TESTIMONY IN STRONG SUPPORT OF SB 811

Senate Committee on Ways and Means

March 1, 2022, 10:10 am

Hawai'i State Legislature

Hawai'i State Capitol, Conference Room 211

To: Chair Donovan M. Dela Cruz
Vice-Chair Gilbert S. C. Keith-Agaran
Committee on Ways and Means Members: Henry J. C. Aquino, Lynn DeCoite, Kurt Favella, Lorraine R. Inouye, Dru Mamo Kanuha, Michelle N. Kidani, Donna Mercado Kim, Chris Lee, Sharon Y. Moriwaki, Maile S. L. Shimabukuro, Glenn Wakai

From: Agnes Malate, PhD
armalate@yahoo.com

My name is Agnes Malate and I am in full support of Senate Bill 811 which requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

During the pandemic I have been working to assist the Filipino community and others who have been disproportionately impacted by the pandemic in my various roles as the co-chair of FilCom CARES, president of Ethnic Education Hawai'i, and director of the University of Hawai'i at Mānoa Health Careers Opportunity Program. The bill is crucial to addressing the health and well-being of families and ensuring equitable access to government program, services, and benefits.

Good data is important in addressing the diverse challenges faced by Asian American, Native Hawaiian, and Pacific Islander communities by requiring accurate data collection, analysis, and dissemination to ensure that these communities receive the support and resources they need to thrive.

Thank you for this opportunity to provide testimony.

SB-811-SD-1

Submitted on: 2/27/2023 8:55:11 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB811 SD1.

To: Sen. Donovan Dela Cruz, Chair
Sen. Gilbert Ketih-Agaran, Vice Chair
Senate Committee on Ways and Means

RE: Strong Support to SB811, Relating to Demographic Data

Hrg: March 1, 2023 at 10:10 am Conference Room 211 and via Videoconference

I am submitting testimony in **STRONG SUPPORT of SB811** that requires state agencies to disaggregate data consistent with federal standards and requires publication of the data. I am a public health researcher and a Co-Founder of the Pilipino Underrepresented Scholars Organization (PUSO), a workgroup that consists of Filipino researchers, educators, providers, and advocates. Our mission is to pursue and sustain healthier outcomes for our Filipino communities in Hawaii.

The COVID-19 pandemic has created an unfamiliar environment that disproportionately affects Hawai'i's populations. It has impacted our communities' health and financial situations. The dissemination of disaggregated data by race and ethnicity is vital for identifying and addressing potential disparities of the impacts of COVID-19.

Unfortunately, Filipinos are not disaggregated from the "Asians" category and we are unable to assess the true impact of the pandemic on our communities. Filipinos are the second largest population (25%) in Hawai'i. Many of us are at the frontlines as nurses, health workers, care home operators, grocery store clerks, service providers, etc. This has made us particularly vulnerable to the health and socio-economic effects of this pandemic. The recent Hawai'i Department of Health Disease Outbreak Control Division reported that 24% of COVID-19 deaths in the state were Filipinos, the highest in the state. However, we do not have the number of Filipinos vaccinated because our data is aggregated into the Asian category. This data is integral to determine if many of our community's outreach efforts have impacted our vaccinate rates, but due to data aggregation, we are "invisible" in these numbers.

We stand with our Native Hawaiian, other Pacific Islander, and Asian *kapwa* (kins) in the request for disaggregated data. We represent the most vulnerable populations, especially during these times. SB811 is a critical step to ensuring equitable access to government services, programs and benefits for all Hawai'i residents.

As a member of PUSO, I encourage you to please reach out to our workgroup as a task force to continue the important conversations regarding data disaggregation, translation, and dissemination especially with the Filipino communities of Hawai'i.

Salamat (thank you) for the opportunity to submit my testimony.

Aloha,
Dr. May Rose Dela Cruz, DrPH

LATE

SB-811-SD-1

Submitted on: 2/28/2023 12:16:57 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen-Rae Cachola	Individual	Support	Written Testimony Only

Comments:

Dear Ways and Means Committee,

Please support SB811. Requiring all Hawai'i State Agencies to disaggregate ethnic categories for Native Hawaiians, Asians, and Pacific Islanders will really assist in statistically tracking how diverse communities are doing in Hawai'i. For example, Filipinos are lumped into the Asian category, but especially in issues of health and higher education, Filipinos are not always having the same outcomes as other Asian ethnicities. Please support SB811 to help us accurately monitor the well-being of our diverse communities.

Mahalo,

Ellen-Rae Cachola

LATE

SB-811-SD-1

Submitted on: 2/28/2023 12:30:56 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Tagorda	Individual	Support	Written Testimony Only

Comments:

Dear Chair Donovan M. Dela Cruz, Vice Chair Gilbert S.C. Keith-Agaran, and members of the Ways and Means Committee:

As an educator and public health professional, I am writing in support of SB 811 SD1, which requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

Adequate representation of our communities begins with how our communities are reflected in data. When it comes to the unique linguistic, cultural and historical differences of our communities across Hawai'i, the disaggregation of data prevents the misleading and misrepresentation of data. It is essential for the health and wellbeing of our communities to have adequate and available data that highlights the characteristics of our communities and especially their needs.

Senate Bill 811 SD1 is a critical step to allow for deeper analysis of the differences between subgroups among the Asian American and Native Hawaiian Pacific Islander populations. Data disaggregation can build policy that serves the unique needs when a much more accurate story is told across key indicators including health care, education, employment, housing, and other social factors. We can work toward addressing community needs more effectively and successfully.

Thank you for this opportunity to provide testimony.

Michelle Tagorda-Kama