



DATE: July 25, 2022
TO: Subcommittee to Implement a Racial Impact Statement Process Pilot
FROM: Sarah Goan, Director of the Data Innovation Project (USM - Cutler Institute)
Amy Johnson, Co-Director, Maine Education Policy Research Institute (USM)
Samantha Warren, Director, UMS Director of Government Relations
RE: **Feedback on Pilot RIS Development**

Consistent with its education, research and public service mission, in the fall of 2021 the University of Maine System (UMS) approached the legislative subcommittee charged with implementing a racial impact statement (RIS) pilot and volunteered to leverage existing unique university research expertise to support this important project. This builds upon an existing funded research partnership UMS has with the Legislature's Education & Cultural Affairs Committee via the Maine Educational Policy Research Institute (MEPRI) and newly with the Committee on Innovation, Development, Economic Advance and Business (established by P.L. 2021, Ch. 450) through which university researchers with subject matter expertise provide objective, nonpartisan data, policy research and evaluation.

Sarah Goan, Director of the Data Innovation Project at the University of Southern Maine's Catherine E. Cutler Institute, Dr. Amy Johnson, the USM-based Co-Director of MEPRI, and Samantha Warren, UMS Director of Government Relations, worked closely with members of the Subcommittee, nonpartisan legislative staff and the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations (Permanent Commission) to develop a framework for the analysis that is outlined in [the subcommittee's December 2021 report](#), and to select the carryover legislation that would be subject to this analysis.

In addition to Ms. Goan and collaborating researchers including George Shaler at the Cutler Institute – which it should be noted has a contract with the Permanent Commission for work not directly related to the RIS process – and Dr. Johnson, two other university faculty/staff who have content knowledge relevant to the bills selected for analysis also generously volunteered to draft racial impact statements: Dr. Alan Cobo-Lewis, Director of the Center for Community Inclusion and Disability Studies at the University of Maine, and Dmitry Bam, J.D., Provost/Professor at the University of Maine School of Law.

University researchers experienced several primary challenges when developing the draft statements for the pilot. We share them here in hopes this feedback is informative to shaping a sustainable permanent RIS process, should the Legislature choose to do so in the future:

- **Decision-making:** While university research is objective, there were many elements of this process that were subjective, to varying degrees. These include: the selection of bills; the framework by which they would be evaluated for racial impact; what data would be used; and how the analysis would be presented. Researchers also had to make some assumptions about how legislation would actually be implemented when projecting

likely impacts. A specific format or template was intentionally not created for the pilot so that legislators could see the different ways in which university researchers presented their analysis. That said, even the most straightforward RIS was three pages, and most were longer, especially those that evaluated comprehensive legislation that had multiple components (e.g. LD 1693 health trust). Given the volume of bills taken up by the Legislature in a typical session and the materials associated with each, the university questioned whether most legislators would have the time to review impact statements of this length. Yet even if the conclusion was clear (which was not always the case), researchers felt it was important to show how they arrived at that conclusion and, in most cases, note limitations to available data.

UMS recommends that a future RIS process be well-defined by the Legislature and informed by the input of researchers and other stakeholders. In doing so, consideration should be given to:

- *The purpose of this process – is it to verify for policymakers that a specific piece of legislation intended to reduce inequities among historically disadvantaged population will in fact do so and detail how (quality), or is it ensure an equity lens is applied to all legislation in the same way that [financial impacts are currently taken into account](#) (quantity)?*
 - *How is “historically disadvantaged” defined?*
 - *How are legislators and nonpartisan legislative staff educated about evaluating the resulting RIS statements (data literacy), and to what extent do they impact what action is taken by the Legislature on the bill (e.g. would a racial impact statement that determines legislation would exacerbate inequalities procedurally kill a bill, like a bill with a fiscal note that is not funded by appropriators and “dies on the table”)? Additionally, we suggest there be expectations about racial impact statements incorporated into the Legislature’s formal process, including clearly defining when in the process the statement is considered (ideally before any Committee votes).*
 - *Who determines what bills are subject to the process – is it a predefined subject matter and/or scope (like MEPRI), or can any committee request a racial impact statement be developed on a certain number of bills within their jurisdiction? The latter option would require a wide range of experts/expertise to be available for this purpose.*
- **Timeline:** Conducting research in a rigorous way takes time. Unlike developing a fiscal impact statement, conducting the research, analysis, and writing necessary for an impact statement of this kind can take many different forms depending on the topic. This can take months to do well, depending on whether there are established methods (or not) and valid, reliable data is publicly available (or not). University researchers had mere weeks to develop the racial impact statements for this pilot. As a result, the analysis was inclusive of quantitative but not of qualitative data, and we were unable to engage other researchers and stakeholders – notably the Permanent Commission, thus rendering the statements produced “drafts” and not final products. Additionally, legislators and legislative staff received the draft statements likely too late in the process for it to

meaningfully impact their decision-making, though participating committees and their staff kindly delayed work sessions to allow for the pilot statements to be developed and presented.

UMS recommends that a future RIS process incorporates adequate time to meet the established expectations. Reviews that require a greater depth of research, or need to incorporate stakeholder perspectives or expert input, will need ample lead time. This naturally has implications for the amount of advance notice that will need to be built into the timeline to provide results in time to be used in the legislative process. Carryover bills are likely a good candidate for this process, as researchers would have more time between the end of the First Regular Session and the start of the Second Regular Session to develop an appropriate methodology and deliver the analysis.

- **Resources:** Without getting into the intricacies of university budgeting, it is important for the Subcommittee to know that there must be dedicated financial resources to support public university research, and that researchers' time must be allocated – both financially and in their work planning – well in advance. University faculty typically have their teaching time “bought out” using funding from external grants or contracts so they can conduct their research. Those who are full-time researchers, like Ms. Goan or Dr. Johnson, are “soft-funded,” meaning the funds to support their position comes entirely from the projects they are working on. Even when the work is funded by State appropriations that support research (and development) within UMS (such as the MEPRI allocation and the Maine Economic Improvement Fund), those existing funds are specifically targeted for statutorily-defined activities with which RIS development would likely not be in alignment. The university researchers who volunteered for this pilot did this work above-and-beyond their regular teaching, research, and service duties. Given what we now know is needed to develop a meaningful RIS, this would not be possible for a permanent RIS process.

UMS recommends that a future RIS process be adequately resourced, regardless of whether the research is conducted by the university or any other organization or individual.

UMS appreciated the opportunity to participate in this historic process. We commend Rep. Talbot Ross for presenting the legislation that led to the creation of the pilot, and the Subcommittee, legislative staff (especially Danielle Fox and Suzanne Gresser), and the Permanent Commission for their thoughtful work and collaboration throughout and for valuing the use of data to inform decision-making. We look forward to attending the meeting of the Subcommittee on July 28 and to continue making our world-class university research capacity and expertise available to the Legislature and the people of Maine.