
HOUSE CONCURRENT RESOLUTION

REQUESTING THE HAWAII CIVIL RIGHTS COMMISSION TO FORM A WORKING GROUP TO STUDY THE ADVISABILITY OF INCLUDING STATE-OPERATED SCHOOLS, LIBRARIES, COMMUNITY COLLEGES, AND UNIVERSITIES IN THE DEFINITION OF "PLACE OF PUBLIC ACCOMMODATION".

1 WHEREAS, students have a right to a safe learning
2 environment at the schools they attend daily, and our
3 educational institutions represent society's best chance to
4 eliminate bullying and discrimination before they become learned
5 behaviors; and

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7 WHEREAS, our schools and libraries are entrusted with
8 ensuring that all students enjoy the benefits of full equality
9 and participation in our educational system, and thus the State
10 has a responsibility to protect their civil rights; and

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12 WHEREAS, the Board of Education currently has, in Chapter
13 41 of the Hawaii Administrative Rules, a rule prohibiting
14 discrimination in "any program, activity, or service of the
15 public school system on the basis of race, color, religion, sex,
16 age, national origin, ancestry or disability"; and

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18 WHEREAS, the Board of Education recently considered, and
19 came close to approving, a proposal to repeal the administrative
20 rule, to be replaced by a comprehensive anti-discrimination
21 policy, which would not afford the same protections as an
22 administrative rule; and

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24 WHEREAS, the Legislature's and State's intent to protect
25 the interests, rights, and privileges of all persons within the
26 state with regard to access and use of public accommodations by
27 prohibiting unfair discrimination, is expressed in Chapter 489,
28 Hawaii Revised Statutes (HRS), relating to discrimination in
29 public accommodations; and

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1 WHEREAS, the statute prohibits "unfair discriminatory
2 practices that deny, or attempt to deny, a person the full and
3 equal enjoyment of the goods, services, facilities, privileges,
4 advantages, and accommodations of a place of public
5 accommodation on the basis of race, sex, including gender
6 identity or expression, sexual orientation, color, religious,
7 ancestry, or disability"; and

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9 WHEREAS, including state-operated schools, libraries,
10 community colleges, and universities in the definition of "place
11 of public accommodation" in Chapter 489, HRS, may afford
12 students greater civil rights protections, but may also have
13 unintended and wide-ranging consequences; now, therefore,

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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-fifth Legislature of the State of Hawaii, Regular Session
17 of 2009, the Senate concurring, that the Hawaii Civil Rights
18 Commission is requested to form a working group to study the
19 advisability of including state-operated schools, libraries,
20 community colleges, and universities in the definition of "place
21 of public accommodation" as included in Section 489-2, HRS; and

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23 BE IT FURTHER RESOLVED that the working group include the
24 following members:

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26 (1) A representative of the Hawaii Civil Rights
27 Commission, to serve as the chair of the working
28 group;
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30 (2) A representative of the Board of Education;
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32 (3) A representative of the Department of Education;
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34 (4) A representative of the Hawaii State Library System;
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36 (5) A representative of the University of Hawaii system;
37 and
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39 (6) A representative of the American Civil Liberties
40 Union;

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42 and
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1 BE IT FURTHER RESOLVED that the working group is requested
2 to submit a report, including recommendations and any proposed
3 legislation, to the Legislature no later than 20 days prior to
4 the convening of the Regular Session of 2010; and

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6 BE IT FURTHER RESOLVED that certified copies of this
7 Concurrent Resolution be transmitted to the Executive Director
8 of the Hawaii Civil Rights Commission, Chairperson of the Board
9 of Education, Superintendent of Education, State Librarian,
10 President of the University of Hawaii, and the Executive
11 Director of the American Civil Liberties Union.

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OFFERED BY: *Josephine*
Neil Kuanata

MAR 17 2009

