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## HOUSE 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

8  
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, that the Hawaii Civil Rights Commission is requested to  
18 form a working group to study the advisability of including  
19 state-operated schools, libraries, community colleges, and  
20 universities in the definition of "place of public  
21 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:

- 25  
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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1 and

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

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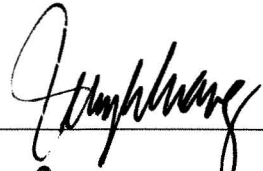
8 BE IT FURTHER RESOLVED that certified copies of this  
9 Resolution be transmitted to the Executive Director of the  
10 Hawaii Civil Rights Commission, Chairperson of the Board of  
11 Education, Superintendent of Education, State Librarian,  
12 President of the University of Hawaii, and the Executive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

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OFFERED BY:


MAR 17 2009

