

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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LESLIE WILKINS

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Executive Director
CATHY BETTS, JD

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Visit us at:
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235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

January 21, 2014

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
Members of the House Committee on the Judiciary

From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support of HB 744, Relating to Student Bias

Thank you for this opportunity to testify. The Commission strongly supports HB 744, Relating to Student Bias. By adding "race, religion and sexual orientation" to the classes of protections under state law, HB 744 explicitly prohibits discrimination against some of the most vulnerable classes of students within our public education system.

Currently, our state laws prohibit discrimination in educational facilities based on sex. By adding protections for students based on their race, religion and perceived sexual orientation, HB 744 seeks to protect more students under state law. While Title IX of the Education Amendment Acts of 1972 (renamed the Patsy T. Mink Equal Opportunity in Education Act) protects students from sexual harassment, gender based harassment and harassment based on sex stereotypes/gender identity expression in any educational institution receiving federal funds, we know that Title IX is highly underutilized. HB 744 would broaden protections for students and further affirm our state's commitment to the ideals on which Title IX was based. All students deserve a safe and non-hostile environment in which to learn, thrive and succeed. Any social impediment that we can remove from this path to educational success is worth removing.

The Commission urges this Committee to pass HB 744.

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

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

Date: 01/21/2014

Committee: House Judiciary

Department: Education

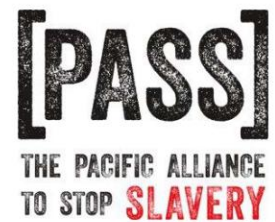
Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0744 RELATING TO STUDENT BIAS.

Purpose of Bill: Expands the prohibition against student bias based on sex in educational or recreational programs receiving financial assistance from or using facilities of the state or county by adding race, religion, and sexual orientation.

Department's Position:

The Department of Education (DOE) supports this bill because the bill would align with Board of Education policies and departmental procedures that prohibit discrimination.



January 17, 2014

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
Rep. Della Au Belatti
Rep. Mark M. Nakashima
Rep. Tom Brower
Rep. Clift Tsuji
Rep. Richard Creagan
Rep. Jessica Wooley
Rep. Ken Ito
Rep. Bob McDermott
Rep. Derek S.K. Kawakami
Rep. Cynthia Thielen
Rep. Chris Lee

NOTICE OF HEARING

DATE: Tuesday, January 21, 2014
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF HB744
RELATING TO STUDENT BIAS**

Aloha, Committee on Judiciary:

The Pacific Alliance to Stop Slavery is in strong support of HB744 and kindly urge you to pass this protective measure to ensure the health and well-being of Hawaii's LGBT youth. Often times, these children do not receive support from their families or churches who unjustifiably condemn them for their sexuality.

However, the issue before you is not a religious issue. It is an equal rights issue. Lawmakers must uphold the separation of church and state and honor the equal rights of all citizens; rights afforded to everyone after great historical struggle.

60 years ago the political upheaval was over race. Now we risk a backsliding into institutionalized discrimination, influenced by the religious right, by not recognizing the class disparity of the LGBT community.



Some argue that, unlike race, sexuality is a choice. It is not. Sexuality is an integral part of one's identity. Those who are not LGBT-identified have no right to define the identities of people in the LGBT community.

It is our priority, as a community, to ensure the protection, safety, and equal rights of all our people. Please review the statistics regarding LGBT youth attached to this testimony and pass this bill to protect our keiki.

Sincerely,

Kathryn Xian
Executive Director

(Graphic statistics attached)

Healing Our Community by Recognizing Religious Homophobia



LGBT YOUTH, who experience high levels of **REJECTION** from their families, are:

6x more likely to suffer from **MAJOR DEPRESSION**, and

8x more likely to **ATTEMPT SUICIDE**

...compared to their non-LGBT peers. ^[1]

Among **LGBT YOUTH**,

90% were **HARASSED** or **ASSAULTED**, ^[2] and

over **30%** **ATTEMPTED SUICIDE**. ^[3]

An estimated **20%** to **40%** of **HOMELESS YOUTH** are LGBT-identified. ^[4]

In 2011, Hawai'i public school students reported that they: ^[5]

MIDDLE SCHOOL		HIGH SCHOOL
6,800 (25.8%)	Experienced Depression	12,700 (29.5%)
5,900 (22.5%)	Considered Suicide	7,100 (16.1%)
4,100 (15.5%)	Planned Suicide	6,600 (15.0%)
2,400 (9.2%)	Attempted Suicide	3,200 (8.6%)
2,800 (10.4%)	Hospitalized for Attempted Suicide	1,300 (3.4%)

YOUTH THAT IDENTIFY AS LGBT: 3,100 (7.3%)

Sources Cited

1. Ryan, C. Supportive families, healthy children: Helping families with lesbian, gay, bisexual, & transgender children. San Francisco, CA: Merian Wright Edelman Institute, San Francisco State University, 2009.
2. 2005 GLSEN National Student Climate Survey
3. Suicide Prevention Resource Center. (2008). Suicide risk and prevention for lesbian, gay, bisexual, and transgender youth. Newton, MA: Education Development Center, Inc. <http://www.sprc.org/library/SPRC_LGBT_Youth.pdf>.
4. Ray, N. (2006). Lesbian, gay, bisexual and transgender youth: An epidemic of homelessness. New York: National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless.
5. Hawaii Health Data Warehouse; State of Hawaii, Hawaii School Health Survey: Youth Risk Behavior Survey Module, Report Created: 2/13/2013. Retrieved August 27, 2013 from http://www.ksbe.edu/spi/PDFS/Reports/Demography_Well-being/yrbs/.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Daryl Selman, President
Judith F. Clark, Executive Director
Aloha House
American Civil Liberties Union of Hawaii
Bay Clinic, Inc.
Big Brothers Big Sisters of Honolulu
Big Island Substance Abuse Council
Blueprint for Change
Bobby Benson Center
Catholic Charities Hawaii
Child and Family Service
Coalition for a Drug Free Hawaii
Courage House Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Programs Hawaii
Family Support Hawaii
Hale Kipa, Inc.
Hale 'Opio Kauai, Inc.
Hawaii Behavioral Health
Hawaii Student Television
Healthy Mothers Healthy Babies Coalition
Hina Mauka Teen Care
Hui Malama Learning Center
Kaanalike
Kahi Mohala Behavioral Health
KEY (Kualoa-Heeia Ecumenical Youth)
Project
Kids Hurt Too
Kokua Kalihi Valley
Life Foundation
Marimed Foundation
Maui Youth and Family Services
Palama Settlement
P.A.R.E.N.T.S., Inc.
Parents and Children Together (PACT)
Planned Parenthood of Hawaii
REAL
Salvation Army Family Intervention Svcs.
Salvation Army Family Treatment Svcs.
Sex Abuse Treatment Center
Susannah Wesley Community Center
The Catalyst Group
The Children's Alliance of Hawaii
Waikiki Health Center
Women Helping Women
YWCA of Kauai

January 17, 2014

To: Representative Karl Rhoads, Chair
And members of the Committee on Judiciary

Testimony in Support of HB744 Relating to Student Bias

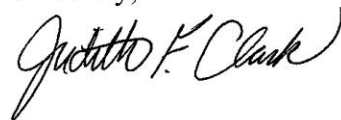
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 744 Relating to Student Bias.

Discrimination in any form is harmful to the individual and to our communities and should not be tolerated. All children, youth and adults should be able to participate in educational and recreational programs without fear of bias or discrimination.

Organizations that demonstrate bias based on sex, race, religion, or sexual orientation should not be allowed to receive government funding or use government facilities for their programs. Allowing them to do so would promote intolerance and hate.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

HB744

Submitted on: 1/19/2014

Testimony for JUD on Jan 21, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	GLBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

HB744

Submitted on: 1/19/2014

Testimony for JUD on Jan 21, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Hatch	Honolulu Pride	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR HOUSE BILL 744, RELATING TO STUDENT BIAS

**House Committee on Judiciary
Hon. Karl Rhoads, Chair
Hon. Sharon E. Har, Vice Chair**

**Tuesday, January 21, 2014, 2:00 PM
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for House Bill 744, relating to student bias.

We fully support expansion of of HRS 302A-1001, Hawaii's statute prohibiting bias in educational and recreational programs. As our society continues to march toward greater acceptance and equality of individuals with diverse racial, spiritual, and sexual backgrounds, we must ensure that our laws safeguard against the material consequences of discrimination, which can include increased bullying, emotional trauma, lower academic achievement, and, at worst, suicide.

That said, we believe that the current expansion proposed by this measure should be extended to include gender identity or expression, which is already protected in Hawaii's housing, public accommodations, and employment non-discrimination statutes. The following language would accomplish these changes, as well as those already envisioned in the measure: "**[H]§302A-1001[H]** **Student bias.** No person in the State, on the basis of sex, **race, religion, sexual orientation, gender identity or** expression shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities."

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

HOUSE COMMITTEE ON JUDICIARY

Tuesday, January 21, 2014, Conference Room 325
H.B. NO. 744 RELATING TO STUDENT BIAS

TESTIMONY

Valere McFarland, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice-Chair Har and Committee Members:

The League of Women Voters of Hawaii strongly supports SB 744 which expands prohibition against student bias in educational and recreational programs supported by the State or our Counties.

It is a core position of the League of Women Voters that we support equal access to education (and by extension to public recreation programs). We also support programs that inform citizens, including public school students, of their civil rights. Civil rights research clearly indicates that laws with policies that follow that are explicit about specific harassing acts of discrimination are the most effective in preventing these acts. Students in a public school should be protected from harassment due to race, religion and/or sexual orientation, including gender identity (transgender). Students need to know that policies exist in their school that protect them from discrimination and harassment. The best way for a school to prevent discrimination and harassment is to have such policies, making sure that everyone in the school knows that schools do not allow these behaviors. We hope that this specific extension of our current Education statutes supports an equitable, quality public education experience for all Hawaii students. We urge you to pass this bill. Thank you for the opportunity to submit testimony.

HAWAII FAMILY ADVOCATES

DATE: January 17, 2013
TO: House Committee on Judiciary
Rep. Karl Rhoads, Chair; Rep. Sharon E. Har, Vice Chair
Hearing January 21, 2014
2:00 p.m. Room 325
RE: **Opposition/Comments on HB 744**

BOARD DIRECTORS

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President
Director

Shawn Luiz, Esq.
Vice President
Director

Sandra Young, Esq.
Secretary
Director

Alex Meimer
Treasurer
Director

Mary Lou Brogan
Director

Dear Chair, Vice Chair and Committee Members,

My name is James Hochberg, and I have been a civil rights attorney in Honolulu since 1984. Currently I am also the president of Hawaii Family Advocates, a 501(c)(4) independent expenditure, non-candidate committee.

I am testifying in opposition to HB744 because it is unnecessary since laws already prohibit the discrimination addressed in this bill. I am attaching the January 30, 2013 testimony on this very bill by Kathryn S. Matayoshi, Superintendent of Education. I would like to adopt her testimony as my own. If the Department of Education does not support this bill because it is unnecessary, neither do I and neither should you.

Sincerely,



JAMES HOCHBERG, ESQ.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2380
HONOLULU, HAWAII 96804

Date: 01/30/2013

Committee: House Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0744 RELATING TO STUDENT BIAS

Purpose of Bill: Expands the prohibition against student bias based on sex in educational or recreational programs receiving financial assistance from or using facilities of the state or county by adding race, religion, and sexual orientation.

Department's Position:

The Department does not support this bill.

The Department believes that there are already federal laws and internal Board of Education (BOE) policies and Department complaint and investigation procedures to assure that students' civil rights are protected based on the person's race, religion, and/or sexual orientation. The BOE policies and federal laws provide additional protection to classes that go beyond the proposed law, and the range of activity protected is broader than situations involving use of facilities. Therefore, the Department does not support this bill, as there are laws already covering the federal protected basis and the BOE policies go beyond the federal basis to protect even more areas.

Thank you for the opportunity to testify on this measure.

Aloha,

I would like to simply voice my opinion that I am *against* House Bill 744. There are many religious organizations using state facilities that, in order to faithfully practice their religious duties, must state what they believe is pono and right. This inevitably means "discriminating" against certain religions and homosexuals-- while not mistreating or excommunicating them in anyway, it cannot simply be condoned if a church desires to be faithful to its religious duties.

Mahalo,

Nathan

TO: Chair Karl Rhoads (House Judiciary Committee)
Vice-chair Sharon Har (House Judiciary Committee)
Members of the House Judiciary Committee

From: <<<NAME>>>, <<<AFFILIATION, IF ANY>>>

RE: OPPOSITION to HB744

Hearing Date: [January 21st, 2014 \(2:00PM\)](#)

Hearing Location: State Capitol, Rm. 325

Good Afternoon Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee. I testified in person against SB1 with my family on Halloween night and was extremely disgusted at how our local legislature and the Governor blatantly ignored the voice of the people who overwhelmingly opposed SB1. The agenda of left-wing liberals steam-roll over the people of Hawaii and the majority who oppose same-sex marriage as well as the current HB744.

Legislature is hastily pushing this bill through trying to deny the public majority a choice in the matter. Is it a coincidence that the deadline falls on a holiday, with hopes that a large amount of people are unaware of this bill and the deadline to send in testimony? I think not.

I write to testify to you today in OPPOSITION to HB744. The current wording contained in HB744

“...any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities” (emphasis added)

would also be interpreted to include churches that access school facilities such as auditoriums and cafeterias in the free exercise of their religion.

As worded, this legislation could further compel a church that holds their services at a public school to sanction an activity that is contrary to their religious beliefs or practices (such as a same-sex marriage). A choice to compromise our core religious beliefs or facing eviction is no choice at all.

As people of faith, we are deeply grateful that the Department of Education (DOE) makes its facilities available for rental to the community. We do not take this for granted and strive to be mindful of the DOE's policies and to be good neighbors. We echo the DOE's testimony in

opposition to HB744 dated January 30, 2013 to the House Committee on Education where they stated:

“The Department believes that there are already federal laws and internal Board of Education (BOE) policies and Department complaint and investigation procedures to assure that students’ civil rights are protected based on the person's race, religion, and/or sexual orientation. The BOE policies and federal laws provide additional protection to classes that go beyond the proposed law, and the range of activity protected is broader than situations involving use of facilities.”

It is a shame that the Speaker of the House asked us to forgive and forget in his opening day remarks, but this body instead chooses to inflict even more grievous wounds upon people of faith. It is even more alarming that the ACLU fully supports this erosion of our religious liberties. When the ACLU no longer defends our religious freedoms, as a person of faith I am forced to stand up for what I believe in and ensure that my elected government finally represents me.

Chair Rhoads, please kill HB744. This bill as written is much too broad and as already noted by the DOE, is duplicative and unnecessary. In addition we ask that you affirm First Amendment guarantees provided by the US Constitution by deferring this measure.

Sincerely,

Curt Okimoto
398-3000

TO: Chair Karl Rhoads (House Judiciary Committee)
Vice-chair Sharon Har (House Judiciary Committee)
Members of the House Judiciary Committee

From: <<<NAME>>>, <<<AFFILIATION, IF ANY>>>

RE: OPPOSITION to HB744

Hearing Date: January 21st, 2014 (2:00PM)
Hearing Location: State Capitol, Rm. 325

Good Afternoon Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee. I testified in person against SB1 and was extremely disgusted at how our local legislature and the Governor blatantly ignore the voice of the people. The agenda of left-wing liberals steam-roll over the people of Hawaii and the majority who oppose same-sex marriage as well as HB744.

Here we are again, legislature is hastily pushing this bill through trying to deny the public majority a choice in the matter. I come to testify to you today in OPPOSITION to HB744. The current wording contained in HB744

“...any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities” (emphasis added)

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As worded, this legislation could further compel a church that holds their services at a public school to sanction an activity that is contrary to their religious beliefs or practices (such as a same-sex marriage). A choice to compromise our core religious beliefs or facing eviction is no choice at all.

As people of faith, we are deeply grateful that the Department of Education (DOE) makes its facilities available for rental to the community. We do not take this for granted and strive to be mindful of the DOE's policies and to be good neighbors. We echo the DOE's testimony in opposition to HB744 dated January 30, 2013 to the House Committee on Education where they stated:

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It is a shame that the Speaker of the House asked us to forgive and forget in his opening day remarks, but this body instead chooses to inflict even more grievous wounds upon people of faith. It is even more alarming that the ACLU fully supports this erosion of our religious liberties. When the ACLU no longer defends our religious freedoms, as a person of faith I am forced to stand up for what I believe in and ensure that my elected government finally represents me.

Chair Rhoads, please kill HB744. This bill as written is much too broad and as already noted by the DOE, is duplicative and unnecessary. In addition we ask that you affirm First Amendment guarantees provided by the US Constitution by deferring this measure.

Sincerely,

Ramona Okimoto

Dear Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee.

I OPPOSE HB744. The current wording contained in HB744

"...any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities" (emphasis added)

would also be interpreted to include churches that access school facilities such as auditoriums and cafeterias in the free exercise of their religion.

As worded, this legislation could further compel a church that holds their services at a public school to sanction an activity that is contrary to their religious beliefs or practices (such as a same-sex marriage). A choice to compromise our core religious beliefs or facing eviction is no choice at all.

This runs counter to the religious exemptions contained in the Governor's same-sex marriage law that was passed with amendments in the last special session. Sometimes I wonder if there is any strategic foresight in our State Government. I would think that Representatives would only present bills that are really needed and ensure that they do not conflict with other legislation.

You all know very well that there are numerous religious organizations that rent space in public schools in order to hold religious services. Many of these organizations do more than just pay rent for the space. In the case of the church I attend we have monthly clean-up and beautification activities that help improve the environment of the school for not only the teachers, but students as well.

I am grateful that the Department of Education (DOE) makes its facilities available for rental to the community. My church does not take this for granted and strives to be mindful of the DOE's policies and to be good neighbors. We echo the DOE's testimony in opposition to HB744 dated January 30, 2013 to the House Committee on Education where they stated:

"The Department believes that there are already federal laws and internal Board of Education (BOE) policies and Department complaint and investigation procedures to assure that students' civil rights are protected based on the person's race, religion, and/or sexual orientation. The BOE policies and federal laws provide additional protection to classes that go beyond the proposed law, and the range of activity protected is broader than situations involving use of facilities."

As a retired Marine Colonel of over 30 years of service, I was prepared to lay down my life to protect the Constitutional freedoms of all Americans. It seems that in recent years, especially in Hawaii, the State government is going out of its way to undermine the religious freedoms of all believers regardless of faith. It is even more alarming that the ACLU fully supports this erosion of our religious liberties. When the ACLU no longer defends our religious freedoms, as a person of faith I am forced to stand up for what I believe in and ensure that my elected government finally represents me.

Chair Rhoads, please kill HB744. This bill as written is much too broad and as already noted by the DOE, is duplicative and unnecessary. In addition we ask that you affirm First Amendment guarantees provided by the US Constitution by deferring this measure.

Sincerely,


Danny Melton
Colonel, U.S. Marine Corps (retired)
Waipahu, HI

HB744

Submitted on: 1/18/2014

Testimony for JUD on Jan 21, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ANSON REGO	Individual	Oppose	No

Comments: The vague language of this bill will prevent current use of facilities to religious organizations. Why would one even introduce such a bill? What is the problem? How does it prevent discrimination on the basis of religion (stated in the bill) to allow a church to hold services at a state or county facility? Perhaps this is a blatant continuing legal attack against churches rights which were supposedly already determined/protected in the recent same sex marriage legislation....2 months ago.
Anson Rego

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing

TO: Chair Karl Rhoads (House Judiciary Committee)
Vice-chair Sharon Har (House Judiciary Committee)
Members of the House Judiciary Committee

From: Max Fowler

RE: OPPOSITION to HB744

Hearing Date: January 21st, 2014 (2:00PM)
Hearing Location: State Capitol, Rm. 325

Aloha Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee,

I send in testimony to express my strong OPPOSITION to HB744. As a pastor and someone who believes the state should stay out of the Church's business, I am alarmed to learn that HB744 could severely impact the freedoms churches have that worship in a state or county facility.

Please examine closely the current wording contained in HB744

"...any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities" (emphasis added)

would also be interpreted to include churches that access school facilities such as auditoriums and cafeterias in the free exercise of their religion.

As worded, this legislation could further compel a church that holds their services at a public school to sanction an activity that is contrary to their religious beliefs or practices (such as a same-sex marriage). This would force churches in Hawaii to compromise our core religious beliefs or face eviction from our community schools. What a shame this would be because our churches strive to be helpful partners with our schools and our educational system in Hawaii.

As people of faith, we are deeply grateful that the Department of Education (DOE) makes its facilities available for rental to the community. We do not take this for granted and strive to be mindful of the DOE's policies and to be good neighbors. We echo the DOE's testimony in opposition to HB744 dated January 30, 2013 to the House Committee on Education where they stated:

"The Department believes that there are already federal laws and internal Board of Education (BOE) policies and Department complaint and investigation procedures to assure that students' civil rights are protected based on the person's race, religion, and/or sexual orientation. The BOE policies and federal laws provide additional protection to classes that go beyond the proposed law, and the range of activity protected is broader than situations involving use of facilities."

Chair Rhoads, please kill HB744. This is not just an "education bill" where the churches "have nothing to worry about." Hundreds of churches across the state who worship in our public schools would be

affected by the passage of this bill and they would not be happy to learn that their religious freedoms have been taken from them once again.

This bill as written is much too broad and as already noted by the DOE, is duplicative and unnecessary. Do not put an end to the successful partnership with our community's schools and churches, or give an opening to other groups or individuals who would test the language possible time and legal fees in the Hawaii Civil Rights Commission.

In addition we ask that you affirm First Amendment guarantees provided by the US Constitution by deferring this measure.

Thank you,

Max Fowler

625-E Kunawai Lane

Honolulu, HI 86817

Submitted By	Organization	Testifier Position	Present at Hearing
Danny Melton	Individual	Oppose	No

Comments: Dear Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee. I OPPOSE HB744. The current wording contained in HB744 "...any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities" (emphasis added) would also be interpreted to include churches that access school facilities such as auditoriums and cafeterias in the free exercise of their religion. As worded, this legislation could further compel a church that holds their services at a public school to sanction an activity that is contrary to their religious beliefs or practices (such as a same-sex marriage). A choice to compromise our core religious beliefs or facing eviction is no choice at all. This runs counter to the religious exemptions contained in the Governor's same-sex marriage law that was passed with amendments in the last special session. Sometimes I wonder if there is any strategic foresight in our State Government. I would think that Representatives would only present bills that are really needed and ensure that they do not conflict with other legislation. You all know very well that there are numerous religious organizations that rent space in public schools in order to hold religious services. Many of these organizations do more than just pay rent for the space. In the case of the church I attend we have monthly clean-up and beautification activities that help improve the environment of the school for not only the teachers, but students as well. I am grateful that the Department of Education (DOE) makes its facilities available for rental to the community. My church does not take this for granted and strives to be mindful of the DOE's policies and to be good neighbors. We echo the DOE's testimony in opposition to HB744 dated January 30, 2013 to the House Committee on Education where they stated: "The Department believes that there are already federal laws and internal Board of Education (BOE) policies and Department complaint and investigation procedures to assure that students' civil rights are protected based on the person's race, religion, and/or sexual orientation. The BOE policies and federal laws provide additional protection to classes that go beyond the proposed law, and the range of activity protected is broader than situations involving use of facilities." As a retired Marine Colonel of over 30 years of service, I was prepared to lay down my life to protect the Constitutional freedoms of all Americans. It seems that in recent years, especially in Hawaii, the State government is going out of its way to undermine the religious freedoms of all believers regardless of faith. It is even more alarming that the ACLU fully supports this erosion of our religious liberties. When the ACLU no longer defends our religious freedoms, as a person of faith I am forced to stand up for what I believe in and ensure that my elected government finally represents me. Chair Rhoads, please kill HB744. This bill as written is much too broad and as already noted by the DOE, is duplicative and unnecessary. In addition we ask that you affirm First Amendment guarantees provided by the US Constitution by deferring this measure. Sincerely, Danny Melton Colonel, U.S. Marine Corps (retired) Waipahu, HI

Please note that testimony submitted less than 24 hours prior to the hearing, improperly

01-17-2014

Testimony for Bill HB 744

From :
Shawna Okami-Rosehill
P. O. Box 235183
Honolulu, Hawaii, 96823

E-mail: IMAKOS@Hawaii.rr.com

I write in Support of HB 755

As a student at Kapa'a High and Intermediate School there was no protection or education on and For Transgender Children. If I had had resources to fall upon I might not have had such a rough time in the beginning of my young adult life.

Having the option to turn to someone, to read literature about Transgender life, or even just having the Protections of the staff so I wouldn't feel threatened on a daily bases would have made the world of difference In High School and Intermediate.

Having knowledge on sexual issues would have prevented me from finding out through experimentation or by accident.

Please I ask you to protect the rights of all students in schools to receive the proper education needed to prepare them for the World they are about to enter.

I support :

Expands the prohibition against student bias based on sex in educational or recreational programs receiving financial assistance from or using facilities of the state or county by adding race, religion, and sexual orientation .

Thank you,

Shawna P. Okami – Rosehill

TO: Chair Karl Rhoads (House Judiciary Committee)
Vice-chair Sharon Har (House Judiciary Committee)
Members of the House Judiciary Committee

From: Keith R. Kenyon

RE: OPPOSITION to HB744

Hearing Date: January 21st, 2014 (2:00PM)
Hearing Location: State Capitol, Rm. 325

Good Afternoon Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee. Please accept my written testimony in OPPOSITION to HB744. I am unable to attend the hearing in person.

The current wording contained in HB744 includes:

"No person in the State, on the basis of sex, race, religion, or sexual orientation shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational or recreational program or activity receiving state or county financial assistance or utilizing state or county facilities" (emphasis added)

This bill begs the question of purpose. Why do the introducers feel it is necessary to include sexual orientation?

Sexual orientation is not listed as a protected class at the federal level and our own Hawaii State Constitution already addresses individual rights in its Bill of Rights, Section 2. It is my belief that Hawaii covered the "gap" in federal protection with the state constitution. Apparently, DOE knows of other protections that are already established, as well.

Further, I believe there's a hidden agenda with HB744. If sexual orientation is already protected by the state constitution, aren't we really targeting organizations in a reversed discriminatory manner? Specifically, I think the answer to that is "yes" and the targets are faith-based organizations. Are we attempting to "normalize" homosexuality with HB744? If so, please don't. If not, what really is the purpose of HB744?

Chair Rhoads, Vice-Chair Har and members of the House Judiciary Committee please kill HB744.

Thank you for this opportunity to testify.



Keith Kenyon

HB744

Submitted on: 1/17/2014

Testimony for JUD on Jan 21, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan McDermott	Individual	Support	No

Comments: I stand in favor of HB 744 to protect the rights of students against bias based on their sexual orientation, sex, race or religious beliefs. All are created equal and should be treated as such.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB744

Submitted on: 1/19/2014

Testimony for JUD on Jan 21, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lee McIntosh	Individual	Oppose	No

Comments: Mr. Chair and Members of the Committee on Judiciary: Aloha, my name is Lee McIntosh and I live on the Big Island. I oppose HB744, which prohibits activities that utilize government facilities that prevent membership because of religion or sexual orientation. This bill will deny churches access to government facilities because of their exclusive membership. HB744 violates the first amendment of the Constitution, enabling the county and state to engage in discrimination against anyone who condemns homosexuality and other religions. Please do not pass this bill. Thank you for the opportunity to testify regarding HB744.

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Aloha Esteemed Members of the House,

This is already starting off to be a busy year for you. I thank you for all your hard work in helping promote the equality of all of Hawai'i's residents. I come forward to speak not only as a person, but also as a Pastor. We cannot allow topics like Trans- become a debate. We need to allow all people to express their sexual identity, Religion, and race. I am a Gay, White, Born Male, Non-denominational Outreach Minister, in the City and County of Honolulu, who happens to neither Identify as Male nor Female. I am Human. I would like to say thank you for all the work you do, and I am sorry you must go through the rough process of hearing from many people on both sides.

I will pray for you to make the decision that is best for Hawai'i.

I support equality, but I know you have People to look out for, Let the people be who they are.

Sincerely,

The Rev. Dr. Todd E. Hurst

(808) 748-9735

k.hurst@minister.com

HB744

Submitted on: 1/20/2014

Testimony for JUD on Jan 21, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Pascua	Individual	Comments Only	No

Comments: Dear Legislatives, I strongly in opposition of HB744. If the Dept. of Education does not support this bill then why are we creating this bill. I feel that religion is a freedom in America and we should not discriminate people for what their beliefs are. Sincerely, Ronald Pasuca

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January 19, 2014

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
Rep. Della Au Belatti
Rep. Mark M. Nakashima
Rep. Tom Brower
Rep. Clift Tsuji
Rep. Richard Creagan
Rep. Jessica Wooley
Rep. Ken Ito
Rep. Bob McDermott
Rep. Derek S.K. Kawakami
Rep. Cynthia Thielen
Rep. Chris Lee

NOTICE OF HEARING

DATE: Tuesday, January 21, 2014

TIME: 2:00 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF HB744
RELATING TO STUDENT BIAS

Honorable Chair Rhoads, Vice Chair Har, and Committee on Judiciary:

As a Psychologist who specializes in the field of Child Development, I am in strong support of HB744 and kindly urge you to pass this protective measure. This measure will help ensure the health and well-being of Hawaii's LGBT youth. All too often, these children lack support from their families or churches, who unjustifiably condemn them for their sexuality.

However, the issue before you is not a religious issue. It is an equal rights issue. Lawmakers must uphold the separation of church and state and honor the equal rights of all citizens. Sixty years ago the political upheaval was over race, and the positive outcomes of the Civil Rights movement afforded equal rights to all of us. Now we risk backsliding into institutionalized discrimination, influenced by the religious right, by not recognizing the class disparity of the LGBT community.

Some argue that, unlike race, sexuality is a choice. It is not. Sexuality is an integral part of one's identity. Those who are not LGBT-identified have no right to define the identities of people in the LGBT community. It must be our priority to ensure the protection, safety, and equal rights of all our people. Please pass this bill.

Sincerely yours,

Ashley E. Maynard, Ph.D.

January 20, 2014

Good afternoon.

By way of introduction, my name is Frank L Castagnetti and I reside in Keaau on Hawaii Island.

I am writing in opposition to HB744.

I strongly believe that this bill is flawed; it wrongly and unjustly singles out many of the Faith-Based Community. Forcing them to comply with this bill essentially denies their freedom of religion, one of our nation's founding principles.

Those in favor of HB744 can find relief in knowing there are several churches that welcomes and accept their beliefs and practices; this eliminates a claim of discrimination.

Allowing freedom of choice is part of the fabric of our nation, is a cornerstone of our republic, and implies there are different choices available to our citizens.

Aloha, Frank L. Castagnetti