
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO AFFIRM ITS COMMITMENT
TO UPHOLD THE TENETS OF TITLE IX OF THE EDUCATION AMENDMENT
ACT OF 1972.

1 WHEREAS, Title IX of the Education Amendment Act of 1972,
2 the Patsy Takemoto Mink Equal Opportunity in Education Act, 20
3 U.S.C. §§1681-1688 ("Title IX"), prohibits discrimination on the
4 basis of sex in the administration of any education program or
5 activity receiving federal financial assistance; and
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7 WHEREAS, since its inception, Title IX has been
8 instrumental in eliminating sex discrimination, increasing
9 educational access and opportunities for women and girls, and
10 fostering equality between men and women; and
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12 WHEREAS, since Title IX was initially passed, federal
13 regulations on the requirements of Title IX have been
14 promulgated to flesh out the requirements of Title IX, and the
15 United States Department of Education's Office of Civil Rights,
16 which is charged with enforcing Title IX, has issued guidance to
17 assist schools in better understanding their obligations to
18 students and staff under Title IX; and
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20 WHEREAS, these regulations and guidelines have created a
21 robust framework for schools to understand and carry out their
22 Title IX obligations and established the following key
23 procedures that require each school to:
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- 25 (1) Disseminate a notice of nondiscrimination;
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27 (2) Designate at least one employee to coordinate its
28 efforts to comply with and carry out its
29 responsibilities under Title IX; and



1 (3) Adopt and publish grievance procedures providing for
2 prompt and equitable resolution of student and
3 employee sex discrimination complaints; and
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5 WHEREAS, the Department of Education ("Department") is a
6 recipient of federal financial assistance and thus subject to
7 the requirements of Title IX; and
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9 WHEREAS, the Legislature has concerns that the Department
10 is failing to meet its Title IX obligations regarding all three
11 procedural requirements; and
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13 WHEREAS, the Department has only one Title IX coordinator
14 for a Department made up of approximately 15 complex areas and
15 255 schools, who is one of six staff in the Department's Civil
16 Rights Compliance Office investigating and responding to all
17 civil rights claims, not just Title IX issues; and
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19 WHEREAS, of further concern to the Legislature is that the
20 Department's Civil Rights Compliance Office handles only civil
21 rights complaints arising from staff-to-staff conduct and staff-
22 to-student conduct, while student-to-student conduct is resolved
23 by school administrators who may not be trained in Title IX
24 requirements and follow grievance procedures that do not comport
25 with the tenets of Title IX; and
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27 WHEREAS, more than 40 years after the passage of Title IX,
28 discrimination on the basis of sex is allowed to continue in
29 Department schools and offices in violation of the Title IX
30 rights of students and staff; and
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32 WHEREAS, the Department should not tolerate any form of sex
33 discrimination, and instead must develop strong policies and
34 procedures, and employ sufficient staff to ensure that students
35 and employees are protected and that sex discrimination is
36 properly monitored, analyzed, and resolved, in order to
37 cultivate a culture that rejects sex discrimination and fosters
38 equal access to educational opportunities; now, therefore,
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40 BE IT RESOLVED by the House of Representatives of the
41 Twenty-eighth Legislature of the State of Hawaii, Regular
42 Session of 2016, the Senate concurring, that the Department of



1 Education is requested to affirm the Department's commitment to
2 following the tenets of Title IX by:

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(1) Increasing electronic and physical accessibility to
Title IX information and resources, including the
Department's nondiscrimination policy and grievance
procedures;

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(2) Examining, revising, adopting, and widely
disseminating Title IX grievance procedures including
but not limited to title 8, chapters 19 and 41, of the
Hawaii Administrative Rules, that comply with Title IX
requirements and create strong and comprehensive
mechanisms for preventing, investigating, monitoring,
analyzing, and resolving discrimination on the basis
of sex for all Department students and employees;

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(3) Committing to increase Title IX staff and resources,
including designating at least one full-time Title IX
coordinator dedicated to fulfilling all required and
recommended aspects of the role, and strengthen the
institutional infrastructure throughout the Department
to more effectively address and prevent sex
discrimination; and

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(4) Providing regular training to Department students and
employees on Title IX's protections and resources and
how to identify and report sexual discrimination,
including sexual harassment and violence; and

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BE IT FURTHER RESOLVED that the Department of Education is
requested to study and report on the addition of a Title IX
coordinator to each complex area, including the potential duties
and job expectations of these positions and the cost of their
addition; and

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BE IT FURTHER RESOLVED that the Department of Education is
requested to submit a report of its findings and recommendations
regarding the addition of complex area Title IX coordinators, as
well as all progress made in complying with this measure,
including any proposed legislation, to the Legislature no later



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1 than 20 days prior to the convening of the Regular Session of
2 2017; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Chairperson of the
6 Board of Education; Superintendent of Education; Deputy
7 Superintendent of Education; Assistant Superintendent, Office of
8 Curriculum, Instruction, and Student Support; all complex area
9 superintendents; and the Acting Director of the Department's
10 Civil Rights Compliance Office.
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