

MAR 11 2016

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# SENATE 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

11  
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:

- 24  
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



# S.C.R. NO. 110

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  
26

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  
31

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 Senate of the Twenty-eighth  
41 Legislature of the State of Hawaii, Regular Session of 2016, the  
42 House of Representatives concurring, that the Department of



# S.C.R. NO. 110

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

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

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

17

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

25

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

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

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



# S.C.R. NO. 110

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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