

---

# SENATE 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,  
3 title 20 United States Code sections 1681 to 1688 (Title IX),  
4 prohibits discrimination on the basis of sex in the  
5 administration of any education program or activity receiving  
6 federal financial assistance; and

7  
8           WHEREAS, since its inception, Title IX has been  
9 instrumental in eliminating sex discrimination, increasing  
10 educational access and opportunities for women and girls, and  
11 fostering equality between men and women; and

12  
13           WHEREAS, since Title IX was initially passed, federal  
14 regulations on the requirements of Title IX have been  
15 promulgated to flesh out the requirements of Title IX, and the  
16 United States Department of Education's Office of Civil Rights,  
17 which is charged with enforcing Title IX, has issued guidance to  
18 assist schools in better understanding their obligations to  
19 students and staff under Title IX; and

20  
21           WHEREAS, these regulations and guidelines have created a  
22 robust framework for schools to understand and carry out their  
23 Title IX obligations and established the following key  
24 procedures that require each school to:

- 25  
26           (1) Disseminate a notice of nondiscrimination;  
27  
28           (2) Designate at least one employee to coordinate its  
29 efforts to comply with and carry out its  
30 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  
4

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  
8

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  
12

13 WHEREAS, the Department has only one Title IX coordinator  
14 for a Department made up of approximately fifteen complex areas  
15 and two hundred fifty-five schools, who is one of six staff in  
16 the Department's Civil Rights Compliance Office investigating  
17 and responding to all civil rights claims, not just Title IX  
18 issues; and  
19

20 WHEREAS, of further concern to the Legislature is that the  
21 Department's Civil Rights Compliance Office handles only civil  
22 rights complaints arising from staff-to-staff conduct and staff-  
23 to-student conduct, while student-to-student conduct is resolved  
24 by school administrators who may not be trained in Title IX  
25 requirements and follow grievance procedures that do not comport  
26 with the tenets of Title IX; and  
27

28 WHEREAS, more than forty years after the passage of Title  
29 IX, discrimination on the basis of sex is allowed to continue in  
30 Department schools and offices in violation of the Title IX  
31 rights of students and staff; and  
32

33 WHEREAS, the Department should not tolerate any form of sex  
34 discrimination, and instead must develop strong policies and  
35 procedures, and employ sufficient staff to ensure that students  
36 and employees are protected and that sex discrimination is  
37 properly monitored, analyzed, and resolved, in order to  
38 cultivate a culture that rejects sex discrimination and fosters  
39 equal access to educational opportunities; now, therefore,  
40

41 BE IT RESOLVED by the Senate of the Twenty-eighth  
42 Legislature of the State of Hawaii, Regular Session of 2016,



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

- 3
- 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;
- 8
- 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, Hawaii
- 12 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
- 30

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

36

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



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

3  
4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Chairperson of the Board of  
6 Education; Superintendent of Education; Deputy Superintendent of  
7 Education; Assistant Superintendent, Office of Curriculum,  
8 Instruction, and Student Support; all complex area  
9 superintendents; and the Acting Director of the Department's  
10 Civil Rights Compliance Office.

