



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 28, 2017

The Honorable Scott Y. Nishimoto, Chair  
House Committee on Judiciary  
Twenty-Ninth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Representative Nishimoto and Members of the Committee:


SUBJECT: HB 1489 HD1 – Relating to Civil Rights

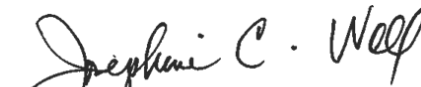
The State Council on Developmental Disabilities (DD) **supports HB1489 HD1** which prohibits a state agency or program or activity receiving state financial assistance from excluding from participation, denying benefits to, or discriminating against a qualified individual by reason of disability, sex, including gender identity or expression, or sexual orientation.

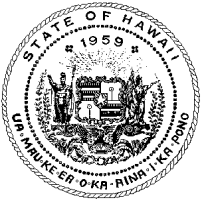
The Council also believes in fostering diversity and equality: in the classroom, on the sports field, and in the workplace. As a part of The Council's 2017-2021 Five-Year State Plan, one area of emphasis is Self-Advocacy and Self-Determination. We engage individuals with developmental disabilities to have a voice, to speak up for what they believe in, and to exercise their rights as citizens. The Council is committed to helping self-advocates to have the supports needed to build a statewide self-advocacy network that helps individuals have the life they want through leadership, education, and full participation in the community. The Council is committed to keeping Hawaii a place where all are welcome and given the opportunity to succeed. HB 1489 HD1 will support this effort.

Thank you for this opportunity to submit testimony in **support of HB1489 HD1**.

Sincerely,

  
Waynette K.Y. Cabral, MSW  
Executive Administrator

  
Josephine C. Woll  
Chair



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 28, 2017  
Rm. 325, 2:00 p.m.

To: The Honorable Scott Nishimoto, Chair  
Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1489, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

If enacted, H.B. No. 1489, H.D.1, would add the protected categories “sex, including gender identity or expression, or sexual orientation,” as those terms are defined in HRS § 378-1, to HRS § 368-1.5, which now provides that:

(a) No otherwise qualified individual in the State shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by state agencies, or under any program or activity receiving state financial assistance.

(b) As used in this section, the term “disability” means the state of having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment.

(c) As used in this section, “state financial assistance” means grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to an entity for the purpose of rendering services on behalf of the State. It does not include procurement contracts, state insurance or guaranty contracts, licenses, tax credits, or loan guarantees to private businesses of general concern that do not render services on behalf of the State.

The HCRC supports H.B. No. 1489, H.D.1. Every Hawai'i anti-discrimination statute enforced by the HCRC – except for HRS § 368-1.5 – prohibits discrimination based on sex, including gender identity and expression, as well as sexual orientation. The HCRC therefore supports the inclusion of the prohibition against discrimination based on sex, including gender identity and expression, and discrimination based on sexual orientation in the protections against discrimination in state and state-funded services under HRS § 368-1.5.

By amending HRS § 368-1.5 to include protections against discrimination based on sex, H.B. No. 1489, H.D.1, would, among other things, create a Hawai'i state analog to Title IX of the Education Amendments Act of 1972, renamed in 2002 the “Patsy Mink Equal Opportunity in Education Act.” The issue of whether HRS § 368-1.5 protections against discrimination in state and state-funded services apply to educational institutions is currently the subject of a pending appeal before the Hawai'i Supreme Court, in *Hawaii Technology Academy v. Elento and the Hawai'i Civil Rights Commission*, SCAP-15-0000520.

H.B. No. 1489, H.D.1, would also create Hawai'i state analogs to other federal statutes and administrative regulations. This is important because the actions and statements of the Trump Administration now raise serious concerns about the continued enforcement of federal regulations prohibiting sex discrimination, which under the Obama Administration were interpreted as prohibiting discrimination based on sex, *including* gender identity and expression, and sexual orientation, in the provision of public and publicly funded programs in the areas of education, employment, health care, housing, social services, public safety, and corrections.

These concerns have intensified since the February 14, 2017, hearing on H.B. No. 1489 before the House Committee on Labor and Public Employment. For example, on February 22, 2017, Secretary of Education Betsy DeVos withdrew Department of Education Guidance on the protection of transgender children in public K-12 schools, and stated that the matter should be dealt with at the state level. Secretary DeVos has also refused to state whether or not she will continue to implement and enforce Obama-era Title IX programs designed to address sexual assault and gender violence on colleges and university

campuses. As federal protections against sex, gender, and sexual orientation discrimination in education weaken, the need for a state Title IX equivalent becomes increasingly important.

Furthermore, during the Obama Administration, numerous other federal administrative agencies, including the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, the Department of Justice, the Department of Labor, and the Department of Health and Human Services followed the Department of Education's lead and interpreted the phrase "sex discrimination," as encompassing discrimination based on gender identity and expression and sexual orientation. These interpretations provided protection against all forms of sex, gender, and sexual orientation discrimination in federally funded programs and services as diverse as public and publicly subsidized housing, juvenile justice, the provision of medical care, care in nursing homes and assisted living facilities, and corrections. It is very unlikely that the Trump Administration will continue to enforce this broad interpretation of legal protections against sex discrimination. As federal protection in these areas is diminished and rolled back, the need for analogous state law protections increases. The HCRC therefore supports the extension of coverage against all forms of sex discrimination by including these prohibited bases of discrimination under HRS § 368-1.5.

The HCRC further supports H.B. No. 1489, H.D.1's elimination of the word "solely" from HRS § 368-1.5(a). That word was borrowed from Section 504 of the Rehabilitation Act of 1973, upon which § 368-1.5 was modelled when it was enacted in 1988-89. Since that time, however, many civil rights statutes have been interpreted as permitting both sole-motive and mixed motive theories in individual disparate treatment cases. *See, e.g., Price Waterhouse v. Hopkins*, 490 U.S. 228, 109 S.Ct. 1775 (1989). *Hawai'i* law has followed that trend. *See, e.g., Shoppe v. Gucci America, Inc.*, 94 *Hawai'i* 368, 14 P.3d 1049 (2000)(adopting and applying mixed motive theory in employment discrimination suit arising under HRS Chapter 378, Part I). The word "solely" can be interpreted to preclude use of mixed motive theory, so since 1989, civil rights statutes are generally worded to omit the word "solely" from their operative provisions.

So, for example, in order to make clear that mixed motive theory would be available in cases alleging discrimination in public services, Title II of the Americans with Disabilities Act of 1990, did not include

word “solely” in its operative provisions. 42 U.S.C. Section 12132 therefore provides that, “[s]ubject to the provisions of this subchapter, no qualified individual with a disability shall, *by reason of such disability*, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. The word, “solely,” was not used.

The HCRC supports the deletion of the word “solely” that H.B. No. 1489, H.D.1, would effect. This change will further the uniformity in the interpretation and implementation of Hawaii’s civil rights laws contemplated by the Legislature and expressed in HRS § 368-1.

The HCRC suggests an amendment to the current version of H.B. No. 1489, H.D.1. Specifically, because of its focus on Title IX, Section 1 of the current version of H.B. No. 1489, H.D.1, focuses almost exclusively on discrimination in education. The focus on education is understandable, given the importance to Hawaii’s people of honoring the legacy of Patsy Takemoto Mink. However, the HCRC is concerned that, unless Section 1 is broadened, it could create the misimpression that the bill addresses only educational programs and services, rather than public and publicly funded programs and services more broadly.

The HCRC therefore recommends that Section 1 of H.B. No. 1489, H.D.1, be modified to provide as follows:

The 1972 legislature finds that Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 et. seq.), renamed the Patsy Mink Equal Opportunity in Education Act in 2001, has had an enormous impact in reducing discrimination based on sex, gender, and sexual orientation in federal programs and programs receiving federal funding. Here in Hawai’i, the generation that followed Congresswoman Mink has taken pride in fostering diversity and equality in all aspects of public life. Hawai’i is a place where all are welcome, all are entitled to participate equally in and receive equal benefits from all state and state-funded programs and activities. Yet notwithstanding the gains made over the last four and a half decades, discrimination persists. Indeed, recent public developments demonstrate that the dream of true equality requires continued commitment at all levels and in all spheres of public life. While the federal government’s faithfulness to the principles of equality may ebb and flow with changing administrations, the legislature seeks to guarantee Hawai’i’s dedication to the principles embodied in Title IX, as those principles apply in all state and state-funded programs and services.

Accordingly, the purpose of this Act is to ensure that the protections against discrimination articulated in Title IX and its attendant administrative agency interpretations continue here in Hawai’i, notwithstanding changes in federal administrations, and that Hawai’i continues to be a nationwide leader in promoting equality in educational and other state and state-funded programs and activities.

With this suggested revision, the HCRC supports H.B. No. 1489, H.D.1, and urges the Committee to report it favorably out of Committee with an effective date of January 1, 2018.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA  
CYD HOFFELD  
JUDY KERN  
MARILYN LEE  
AMY MONK  
LISA ELLEN SMITH

Executive Director  
CATHY BETTS

Email:  
Catherine.a.betts@hawaii.gov  
Visit us at:  
humanservices.hawaii.gov  
/hscsw/

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

February 27, 2017

**Testimony in Support, HB 1489, HD1, Relating to Civil Rights**

**To:** Representative Scott Nishimoto, Chair  
Representative Joy San Buenaventura, Vice Chair  
Members of the House Committee on Judiciary

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

**Re:** Testimony in Support, HB 1489, HD1, Relating to Civil Rights

The Commission supports HB 1489, HD1, which would prohibit any state agency, program, or activity receiving state financial assistance from denying benefits to or discriminating against a qualified individual by reason of disability, sex, gender identity, gender expression or sexual orientation.

Despite having strong federal laws and regulations in place, discrimination based on gender and gender identity continue to persist throughout the nation. Further, it is likely that the current federal administration will either dismantle or decline to enforce anti-discrimination laws and programs, including Title IX and its respective enforcement branch. Given the current administration's recent act of rescinding guidance on restroom use by transgender individuals, it is clear that prohibiting discrimination and practicing inclusivity will not be made a priority. We have a timely opportunity to continue our commitment to gender equity and enforce anti-discrimination here in Hawaii.

HB 1489, HD1, would codify some of these strong federal anti-discrimination laws into state law. HB 1489, HD1, is necessary to ensure that the protections against discrimination found in Title IX and its administrative agency interpretations continue.

The Commission strongly supports HB 1489, HD1 and respectfully urges this Committee to pass this important safeguarding measure.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON JUDICIARY

Rep. Scott Nishimoto, Chair

Rep. Joy San Buenaventura, Vice Chair

Tuesday, February 28, 2017

2:00 p.m.

Room 325

## STRONG SUPPORT FOR HB 1489 HD1 - CIVIL RIGHTS

Aloha Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,700 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons is in strong support of this measure that would codify the work of our own Patsy Mink.

By amending HRS § 368-1.5 to include protections against discrimination based on sex, HB 1489 HD1 would, among other things, create a Hawai'i state analog to Title IX of the Education Amendments Act of 1972, renamed in 2002 the "Patsy Mink Equal Opportunity in Education Act." The issue of whether HRS § 368-1.5 protections against discrimination in state and state-funded services apply to educational institutions is currently the subject of a pending appeal before the Hawai'i Supreme Court as explained by the Hawai'i Civil Rights Commission.

The actions of the Trump administration now raise serious concern about the continued enforcement of these protections which prohibit sex, gender, and sexual orientation discrimination in the provision many public and publicly funded programs, in the areas of education, employment, health care, housing, social services, public safety, and corrections.

Community Alliance on Prisons implores our Legislature to pass this measure since we can no longer count on the federal government to protect the rights of our people. We are counting on you!

Mahalo for the opportunity to testify.





Committee: Committee on Judiciary  
Hearing Date/Time: Tuesday, February 28, 2017, 2:00 p.m.  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawaii in **Support** of H.B. 1489, H.D. 1, Relating to Civil Rights

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 1489, H.D. 1, which seeks to codify the protections of Title IX at the state level. This measure would guarantee equal participation in any state-funded program or activity regardless of an individual’s sex, including gender identity or expression, or sexual orientation. At a time when the longevity of federal protections is uncertain, measures such as H.B. 1489 are necessary to safeguard equality.

For these reasons, The ACLU of Hawaii urges the Committee to support H.B. 1489, H.D. 1.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522.5900  
F: 808.522.5909  
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[www.acluhawaii.org](http://www.acluhawaii.org)



February 27, 2017

Representative Scott Y. Nishimoto, Chair  
House Committee on Judiciary

**Re: H.B. 1489, HD 1 Relating to Civil Rights**

**Hearing: Tuesday, February 28, 2017, 2:00 pm, Room 325**

Dear Chair Nishimoto and Members of the Committee on Judiciary:

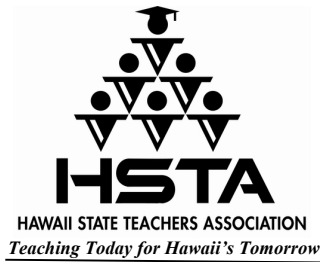
Hawaii Women Lawyers submits testimony in **strong support** of H.B. 1489, HD1, which amends the Hawaii statute that prohibits discrimination by state agencies or any program or activity receiving state financial assistance from discriminating on the basis of disability to include “sex, including gender identity or expression, or sexual orientation.”

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers supports this bill because it will increase access for women to state programs and state funding or assistance. H.B. 1489, HD1 creates an analog in state law for the protections articulated in Title IX of the Education Amendments Act of 1972, renamed in 2002 the “Patsy Mink Equal Opportunity in Education Act.” This measure will strengthen protections against sexual discrimination in Hawaii, and harmonizes HRS § 368-1.5 with the rest of Hawaii’s anti-discrimination laws. It will provide clarity that state agencies and programs that receive funding from the State are prohibited from discriminating on the basis of gender or sexual orientation.

Given the uncertainty of the federal landscape, it is more important than ever that Hawaii act to secure civil rights for its residents. For these reasons, we respectfully request that the Committee pass H.B. 1489, H.D.1.

Thank you for the opportunity to testify in strong support of this measure.



**LATE**

1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee  
President  
Justin Hughey  
Vice President  
Amy Perruso  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY

RE: HB 1489, HD 1 – RELATING TO CIVIL RIGHTS.

TUESDAY, FEBRUARY 28, 2017

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Nishimoto and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1489, HD 1**, relating to civil rights.

Earlier this month, President Donald Trump rescinded protections for transgendered students that had been put into effect by former President Barack Obama. This move is just the latest in a series of hostile gestures from the Trump administration causing concern for public school teachers, who are also worried about future repeals of LGBT protections by the Trump administration and rising rates of bullying of LGBT persons nationwide.

Discrimination in all forms is morally reprehensible. Hawai'i has a history of recognizing and defending against discrimination toward the LGBT community, carrying the distinction of being the state that inaugurated the legal battle for marriage equality in the landmark *Baehr v. Miike* ruling in 1993. Similarly, Board of Education Policy 305.10 prohibits discrimination under any DOE program and HRS Chapter 489 bans discrimination in public accommodations, including on the basis of gender or sexual orientation. It is imperative that in an era of uncertainty about LGBT rights, we strengthen protections in state law that are under clear and present danger of elimination by the federal government.

To advance civil rights for LGBT families and their keiki, the Hawaii State Teachers Association asks your committee to **support** this bill.

The Twenty-Ninth Legislature  
Regular Session of 2017

**LATE**

THE HOUSE

Committee on Finance

Representative Sylvia Luke, Chair

Representative Ty J.K. Cullen, Vice Chair

State Capitol, Conference Room 308

Tuesday, February 28, 2017; 2:00 p.m.

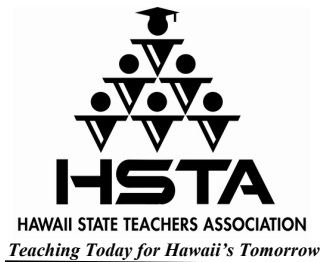
**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1489 HD 1  
RELATING TO CIVIL RIGHTS**

The ILWU Local 142 supports H.B. 1489 HD 1, which prohibits a state agency or program or activity receiving state financial assistance from excluding from participation, denying benefits to, or discriminating against a qualified individual by reason of disability, sex, including gender identity or expression, or sexual orientation.

Patsy Mink's legacy is well known in Hawaii, and the renaming of Title IX to the "Patsy Mink Equal Opportunity in Education Act" in 2002, reflects that she was tenacious when it came to fighting against the various forms of discrimination. H.B. 1489 provides more meaning to the role that she played, by strengthening the implementation of the law that she fought so hard for.

H.B. 1489 HD 1 amends Section 368-1.5 HRS, and prohibits any "otherwise qualified individual in the State" . . . to be excluded or "be subjected to discrimination by any state agency" by reason of "disability, sex, including gender identity or expression, or sexual orientation". This will reinforce and underscore Hawaii's reputation of fostering diversity and equality.

The ILWU strongly urges passage of H.B. 1489 HD 1. Thank you for the opportunity to share our views on this matter.



**LATE**

1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee  
President  
Justin Hughey  
Vice President  
Amy Perruso  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY

RE: HB 1489, HD 1 – RELATING TO CIVIL RIGHTS.

TUESDAY, FEBRUARY 28, 2017

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Nishimoto and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1489, HD 1**, relating to civil rights.

Earlier this month, President Donald Trump rescinded protections for transgendered students that had been put into effect by former President Barack Obama. This move is just the latest in a series of hostile gestures from the Trump administration causing concern for public school teachers, who are also worried about future repeals of LGBT protections by the Trump administration and rising rates of bullying of LGBT persons nationwide.

Discrimination in all forms is morally reprehensible. Hawai'i has a history of recognizing and defending against discrimination toward the LGBT community, carrying the distinction of being the state that inaugurated the legal battle for marriage equality in the landmark *Baehr v. Miike* ruling in 1993. Similarly, Board of Education Policy 305.10 prohibits discrimination under any DOE program and HRS Chapter 489 bans discrimination in public accommodations, including on the basis of gender or sexual orientation. It is imperative that in an era of uncertainty about LGBT rights, we strengthen protections in state law that are under clear and present danger of elimination by the federal government.

To advance civil rights for LGBT families and their keiki, the Hawaii State Teachers Association asks your committee to **support** this bill.

While I support this measure, hope that it will also be changed from “sex, including gender identity or expression, or sexual orientation” to “sex, including gender identity, **perceived** or expression, or sexual orientation” As a person may be heterosexual, but because of the way they dress, act, or just a bias, become perceived as being something they are not. (Which has occurred in my claims of harassment previously, but because it’s a perception, was told that it was not covered as defined by law an actual sexual orientation...) I also hope “race’ will be added, as one agency that covers civil rights, that I made a claim at supposedly in error as I had requested paperwork from another civil rights run by the Fed. at the time, were mentioned and claimed to be representatives of, had parties again in my neighborhood (first being a few years prior) at midnight over, where shouts of my “race” and the company’s name were used...

As to me any place that is receiving state financial assistance, especially when it covers civil rights, should have the ability to violate those civil rights. I also don’t believe that complaining about how they’re ‘volunteers’ or ‘how much work’ protecting a person’s civil rights should be shouted in my neighborhood at midnight, or anything about knowing, “recognize her voice”, or any other item regarding the party’s involved should be a gripe shouted in my neighborhood either.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 24, 2017 5:44 PM  
**To:** JUDtestimony  
**Cc:** joshua@joshuakay.com  
**Subject:** Submitted testimony for HB1489 on Feb 28, 2017 14:00PM

**HB1489**

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Kay	Individual	Support	No

Comments: This legislation will help to ensure that public funds do not go to organizations that discriminate. I support HB1489.

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](mailto:webmaster@capitol.hawaii.gov)

**KIM COCO IWAMOTO, ESQ.**

PO Box 235191  
Honolulu, HI 96823  
[kimcoco@kimcoco.com](mailto:kimcoco@kimcoco.com)

COMMITTEE ON JUDICIARY  
Hearing on Tuesday, February 28, 2017  
2:00 PM in Conference Room 325

Testimony in STRONG SUPPORT for HB1489

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Committee Members,

Having served as a Board of Education member and Civil Rights Commissioner for the State of Hawaii, I can attest to the importance of codifying the protections contained in HB1489, which had been safeguarded by the Obama White House, but are now in the crosshairs of the current president's administration.

HB1489 will provide the continuation of protections that students, parents, clients and community members have come to expect during their day to day pursuit of education, health, housing and access to other services provided with the benefit of state funds.

We have relied on the federal government to uphold the standard of respect for diversity, equal access and equal opportunity. Today, the 45th President has made his anti-citizen agenda clear by his cabinet selection and executive orders. HB1489 provides our state the opportunity to reaffirm the legacy of Patsy Mink, Title IX, and the fair-minded ideals contained therein by codifying them into Hawaii's own revised statutes.

Respectfully,

A handwritten signature in black ink that reads "Kim Coco Iwamoto". The signature is written in a cursive style and is followed by a horizontal line extending to the right.



Testimony to:

Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary and Labor

Presented by  
Geisha Dela Pena

On Tuesday February 28, 2017  
2:00 p.m.  
In Support of Measure H.B. 1489

Aloha Chair Nishimoto, Vice-Chair San Buenaventura, and Members of the Committee!

My name is Geisha Dela Pena and I am a social work student. I am testifying in support of H.B. 1489 in its entirety for continually promoting equality here in Hawai'i.

As a student hearing and learning about Title IX or the Patsy Mink Equal Opportunity in Education Act reassures me of safety within the school environment whether it be broad daylight or after an evening class. This is in consideration that I only recently have become accustomed to the busier city life. Coming from the island of Guam, I was unaware of the dangers or incidents that lead up to the implementation of acts such as Title IX. Since there is a such a diverse population on campus or in Hawai'i in general, protective measures such as this one provide a piece of mind to not only myself but to others who may be or feel different.

In light of the new federal administration, I thank the Chair Nishimoto, Vice-Chair San Buenaventura, and this committee for ensuring that equality and opportunity hold strong here in Hawai'i. Fear and hatred have created boundaries and divisions within a unified nation. I can't recount the days, hours, minutes or moments that fear has plagued me in what is to become of me, my family, friends, peers, or anyone considered different. That fear doesn't go away for me. Anytime I look at my phone, attend my classes, or people watch, I am constantly reminded of that fear and the unknown. Everyone in this room, outside this room, those in the streets, and anyone considered a human being is essentially different and unique. Each and every one of us has something to offer the world. So, I firmly believe

everyone should have that protection in any environment especially within schools, workplaces, and programs that stem or funded by the government.

I take myself for example as being a Chamorro woman, thus I am considered a minority. As a social work student, I read and see the inequalities and struggles of marginalized populations. Where ever I may be or having Title IX and the reassurance from the legislature in upholding equality is deeply gratifying. In addition, this bill helps me in my social work career and future clients. In conclusion, I strongly support H.B. 1489.

Thank you again for giving me this opportunity to provide my testimony.

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 2:06 AM  
**To:** JUDtestimony  
**Cc:** annsfreed@gmail.com  
**Subject:** Submitted testimony for HB1489 on Feb 28, 2017 14:00PM

**HB1489**

Submitted on: 2/28/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: Aloha Chair Nishimoto, Vice Chair and members, The Coalition is in strong support of this civil rights measure. Please pass out of committee, Mahalo, Ann S. Freed, Co-Chair Hawaii Women's Coalition.

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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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 9:40 PM  
**To:** JUDtestimony  
**Cc:** csantoma@gmail.com  
**Subject:** Submitted testimony for HB1489 on Feb 28, 2017 14:00PM

**HB1489**

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Santomauro	Individual	Support	No

Comments: Chair Nishimoto and Members of the Committee: My name is Chris Santomauro and I am a public school teacher from Honolulu. I strongly support HB1489, a bill that aims to protect a population that has historically been marginalized. Although we have made great progress in securing rights for the LGBTQ community in the last 50 years, the community continues to face discrimination, the latest being the Trump administration's rescission of protections for transgender students. We need to continue to support the safety and protection of minority groups within our state, and these protections have a great impact upon our young people: recent studies suggest that the passage of marriage equality in the country has lowered the suicide rate of LGBTQ young people. Please continue to support the efforts to promote a more just society.

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 10:24 AM  
**To:** JUDtestimony  
**Cc:** laurie.field@ppvnh.org  
**Subject:** \*Submitted testimony for HB1489 on Feb 28, 2017 14:00PM\*

**HB1489**

Submitted on: 2/28/2017  
Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

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