

MAR 09 2018

S.R. NO. 79

SENATE RESOLUTION

REQUESTING THAT THE HAWAII STATE DEPARTMENT OF EDUCATION REPORT TO THE LEGISLATURE ON ITS COMPLIANCE WITH THE PATSY MINK EQUAL OPPORTUNITY IN EDUCATION ACT AND THE RESOLUTION AGREEMENT BETWEEN THE HAWAII STATE DEPARTMENT OF EDUCATION AND THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS DATED DECEMBER 20, 2017.

1 WHEREAS, Title IX of the federal Education Amendments of
2 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in
3 Education Act in honor of its principal author, Patsy Takemoto
4 Mink, former Congresswoman from Hawaii, states that "No person
5 in the United States shall, on the basis of sex, be excluded
6 from participation in, be denied the benefits of, or be
7 subjected to discrimination under any education program or
8 activity receiving Federal financial assistance..."; and
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10 WHEREAS, according to the United States Department of
11 Education Office for Civil Rights, which is responsible for
12 enforcing Title IX, the Hawaii State Department of Education is
13 out of compliance with Title IX; and
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15 WHEREAS, specifically, the United States Office for Civil
16 Rights, in a January 19, 2018, letter to the Hawaii State
17 Department of Education, found that the department was in
18 violation of the following Title IX requirements:
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- 20 (1) Designating a coordinator to carry out Title IX
21 responsibilities and providing notice of the
22 coordinator to students and employees;
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24 (2) Developing and disseminating a notice of
25 nondiscrimination; and
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27 (3) Providing appropriate grievance procedures to address
28 complaints; and
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1 WHEREAS, participation in after-school sports enhances
2 girls' leadership skills and boosts their success in academic
3 and collegiate achievement, making them more likely to graduate
4 from high school and score higher on standardized tests; and
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6 WHEREAS, eight of the twenty-three high schools on Oahu
7 lack separate athletic locker facilities for girls, even though
8 they have athletic locker facilities for boys, including
9 Campbell High School, the largest public school in the State
10 with 3,200 students; and
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12 WHEREAS, two out of the ten high schools on Hawaii Island,
13 two of the five high schools on Maui, and one of the three high
14 schools on Kauai also do not have separate athletic locker
15 facilities for girls, even though they have athletic locker
16 facilities for boys; and
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18 WHEREAS, many girls throughout the State must participate
19 in public school sports using inferior sports facilities and
20 without adequate drinking water or restrooms nearby; and
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22 WHEREAS, the Hawaii State Department of Education entered
23 into a Resolution Agreement with the United States Department of
24 Education Office for Civil Rights, dated December 20, 2017; and
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26 WHEREAS, in the Resolution Agreement, the Hawaii State
27 Department of Education agreed to take multiple steps and
28 actions to come into compliance with Title IX, including
29 committing to various reporting requirements to the United
30 States Department of Education Office for Civil Rights; now,
31 therefore,
32

33 BE IT RESOLVED by the Senate of the Twenty-ninth
34 Legislature of the State of Hawaii, Regular Session of 2018,
35 that no later than twenty days prior to the convening of each
36 Regular Session, beginning with the Regular Session of 2019, the
37 Department of Education is requested to provide a report to the
38 Legislature detailing its actions to comply with Title IX; and
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40 BE IT FURTHER RESOLVED that the Department of Education's
41 report to the Legislature include, but not be limited to,
42 documentation of:



- (1) All actions taken by the Department of Education to comply with Title IX pursuant to the Resolution Agreement;
- (2) All actions taken by the Department of Education to comply with Title IX with regard to all athletic facilities, including but not limited to fields, locker rooms, and transportation; and
- (3) All requests for appropriations, positions, and any proposed legislation to comply with the requirements of Title IX; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, the Chairperson of the Board of Education, and the Superintendent of Education.

OFFERED BY: _____

