

Honolulu, Hawaii

February 6, 2018

RE: H.B. No. 2139
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Education and Higher Education, to which was referred H.B. No. 2139 entitled:

"A BILL FOR AN ACT RELATING TO DISCRIMINATION IN EDUCATION,"

beg leave to report as follows:

The purpose of this measure is to establish a state corollary to Title IX of the Education Amendments of 1972, Patsy Mink Equal Opportunity in Education Act, by prohibiting discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any:

- (1) State educational program or activity; or
- (2) Educational program or activity that receives state financial assistance.

The Hawaii Civil Rights Commission (Commission), Hawaii State Teachers Association, Hawaii State Democratic Women's Caucus, Hawaii State Coalition Against Domestic Violence, IMUAlliance, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawaii, Women's March Hawaii Island, Hawaii Section of the American College of Obstetricians and Gynecologists, Sex Abuse Treatment Center, American Association of University Women of Hawaii, American Civil Liberties Union of Hawaii, Hawaii Children's Action Network, Young Progressives Demanding Action



Hawaii, Rainbow Family 808, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and numerous individuals testified in support of this measure. One individual testified in opposition. The Department of Education, AF3IRM Hawai'i, YWCA Oahu, Planned Parenthood Votes Northwest and Hawaii, Healthy Mothers Healthy Babies Coalition of Hawaii, Hawaii Women's Coalition, and many individuals provided comments.

Your Committees have amended this measure by:

- (1) Changing its effective date to July 1, 2025; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Should the Committee on Judiciary deliberate on this measure further, your Committees respectfully request that the Committee on Judiciary consider the testimony of the Department of Education which seeks clarification regarding:

- (1) The jurisdiction of the Commission to accept and investigate student charges; and
- (2) Whether this measure requires a notice of right to sue for a complaint filed with the Commission in order to file a civil action alleging similar facts in circuit court.

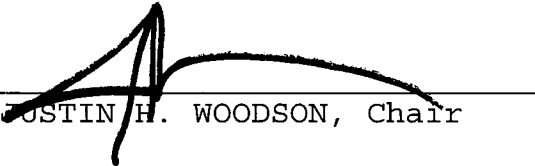
As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2139, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2139, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Education and
Higher Education,



ANGUS L.K. MCKELVEY, Chair



JUSTIN H. WOODSON, Chair



