

STAND. COM. REP. NO.

2446

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2353  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 2353 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit discrimination on the basis of sex, including gender identity or expression or sexual orientation, in any state educational program or activity or in any educational program or activity that receives state financial assistance.

Your Committee received testimony in support of this measure from the State Public Charter School Commission, Hawai'i Civil Rights Commission, Hawaii State Teachers Association, Commission on the Status of Women, AF3IRM Hawai'i, Chun Kerr LLP, Filipina Advocacy Network, Hawaii Children's Action Network, Hawaii State Coalition Against Domestic Violence, Hawaii Women's Coalition, IMUAlliance, The Sex Abuse Treatment Center, LGBT Caucus of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Rainbow Family 808, YWCA O'ahu, Young Progressives Demanding Action Hawai'i, The American College of Obstetricians and Gynecologists, American Association of University Women of Hawai'i, Americans for Democratic Action Hawai'i, Domestic Violence Action Center, Hawai'i Women Lawyers, Hawaii Youth Services Network, Healthy Mothers Healthy Babies Coalition of Hawaii, League of Women Voters of Hawaii, Women's March Hawaii Island, and numerous



individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that Title IX of the Education Amendments of 1972, renamed the Patsy Mink Equal Opportunity in Education Act in 2002, triggered a shift in the education landscape by prohibiting discrimination on the basis of sex by any education program or activity receiving federal funds. This significant piece of legislation has given millions of girls and women educational opportunities in the classroom and on the playing fields; in research, teaching, and graduate schools; and in employment, medicine, law, and other professions. The efficacy of the Title IX federal protections against sex discrimination in education has been diminished and eroded by the current presidential administration, which reversed the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation and gender identity and expression.

Your Committee further finds that in order to protect all students and ensure that they have equal access to all of the opportunities afforded to them, all discrimination, including discrimination on the basis of disability should be prohibited. Therefore, it is time to consider and address the need for a corollary in state law to protect the students entrusted in the State's schools from discrimination on the basis of sex or disability.

Your Committee has amended this measure by:

- (1) Inserting language that additionally prohibits discrimination on the basis of disability in any state educational program or activity or in any educational program or activity that receives state financial assistance; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2353, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 2353, S.D. 1, and  
be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Education,



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MICHELLE N. KIDANI, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Education**  
**EDU**

Bill / Resolution No.:* <i>SB 2353</i>	Committee Referral: <i>EDU, JDC</i>	Date: <i>2/12/18</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	<i>X</i>			
KAHELE, Kaiali'i (VC)	<i>WR/WR</i>			<i>X</i>
DELA CRUZ, Donovan M.				<i>X</i>
ESPERO, Will	<i>X</i>			
KIM, Donna Mercado	<i>X</i>			
<b>TOTAL</b>	<i>3</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Will Espero</i></div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes