

# HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 22, 2018  
Rm. 308, 12:30 p.m.

To: The Honorable Sylvia Luke, Chair  
Members of the House Committee on Finance

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

Re: H.B. No. 2139, 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 (on the basis of disability). 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.

## **The HCRC supports H.B. No. 2139, H.D.1.**

If enacted, H.B. No. 2139, H.D.1, would establish a state corollary to Title IX of the Civil Rights Act of 1972, the Patsy Mink Equal Opportunity in Education Act, by amending HRS chapter 368 to add a new section prohibiting discrimination on the basis of sex, including gender identity or gender expression, and sexual orientation in state educational programs and activities, or in any educational program or activity that receives state financial assistance. This new section is placed in HRS chapter 368, assigning enforcement jurisdiction to the HCRC, and providing for enforcement procedures and remedies under that chapter.

The new statute defines both “state educational programs and activities” and “educational programs and activities that receive state financial assistance.” It is critically important to include these definitions which make it expressly clear that the legislature does not intend to exclude educational programs and activities that also receive federal funds from coverage under the new state law. This, in light of a recent

Hawai‘i Supreme decision in *Hawai‘i Technology Academy and the Department of Education, State of Hawai‘i, v. L.E. and Hawai‘i Civil Rights Commission*, 141 Hawai‘i 147 (2017), holding that in enacting the HRS § 368-1.5 prohibition against disability discrimination in “programs and activities receiving state financial assistance,” the legislature intended to limit jurisdiction to state agencies and other entities that do not receive federal funding.

Under state and federal fair employment laws, HRS chapter 378, part I, and Title VII of the Civil Rights Act of 1964, employees in state educational programs and activities are protected against sex discrimination including sexual harassment. State civil rights law does not provide such protections for students in state educational programs and activities. Under federal courts’ interpretation, students have no Title IX claim for relief for sexual harassment, absent a showing of “deliberative indifference.” See *Gebser, et al. v. Lago Vista Independent School District*, 524 U.S. 274 (1998). It makes little sense that adult employees are provided greater legal protections against sexual harassment in state educational programs than students, including children. H.B. No. 2139 addresses this anomaly.

H.B. No. 2139, H.D.1, also adds, in subsection (b) of the new HRS section, a direct cause of action for students for sexual harassment or sexual assault and infliction of emotional distress or invasion of privacy related thereto, similar to that provided for employees under § 378-3(10). This allows a student to file a civil action directly in court, without exhausting administrative remedies, within two years of the last act of sexual harassment, rather than the 180 day statute of limitations for filing a complaint with the HCRC. This exception is based on recognition that it may be difficult for a student to come forward to file a complaint within the shorter 180 day time limit.

The HCRC supports H.B. No. 2139, H.D.1, and urges the Committee’s favorable consideration.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/22/2018  
**Time:** 12:30 PM  
**Location:** 308  
**Committee:** House Finance

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 2139, HD1 RELATING TO DISCRIMINATION IN EDUCATION.

**Purpose of Bill:** Prohibits 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. (HB2139 HD1)

**Department's Position:**

The Department of Education (Department) seeks clarification regarding the language in Section 2(b) (page 4, lines 14-20 and page 5, lines 1 and 2) on the jurisdiction of the commission to accept and investigate student charges. Furthermore, the Department seeks clarification 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.

It has been the Department's experience that charges filed with Hawaii Civil Rights Commission and its federal counterpart, the Equal Employment Opportunity Commission, pertain only to issues of employment discrimination. In contrast, allegations filed by students may be investigated by the Department and/or filed with the United States Department of Education, Office for Civil Rights.

The Department strongly supports Section 2(a) (page 4, lines 3-13) which prohibits discrimination on the basis of sex, including gender identity or expression and sexual orientation in state education programs and education programs or activities that receive state financial assistance. The Department is committed to Title IX of the Education Amendments of 1972 and the tenets that it upholds.

In support of the Department's efforts to educate its employees and students about their rights and protections under Title IX, the 2017 Legislature provided 15 new Civil Rights Compliance Officers. Twelve of the 15 positions have been filled since January 2018 and three positions are in active recruitment. The Department respectfully requests the opportunity to implement its expanded programs and services before considering the expansion of the Hawaii Civil Rights

Commission's jurisdiction to include student complaints.

We look forward to working with the Hawaii Civil Rights Commission.

Thank you for the opportunity to provide testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



DAVID Y. IGE  
GOVERNOR



CATHERINE PAYNE  
CHAIRPERSON

STATE OF HAWAII  
**STATE PUBLIC CHARTER SCHOOL COMMISSION**  
**(‘AHA KULA HO‘ĀMANA)**

<http://CharterCommission.Hawaii.Gov>  
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813  
Tel: (808) 586-3775 Fax: (808) 586-3776

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FOR: HB 2139 HD1 Relating to Discrimination in Education  
DATE: February 22, 2018  
TIME: 12:30 P.M.  
COMMITTEE: Committee on Finance  
ROOM: Room 308  
FROM: Sione Thompson, Executive Director  
State Public Charter School Commission

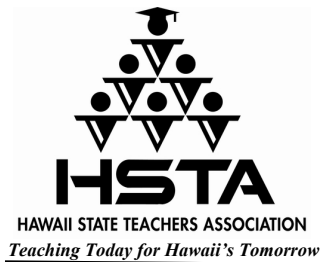
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Chair Luke, Vice Chair Cullen, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in **SUPPORT of HB 2139 HD1**, which provides a state corollary to Title IX that prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program.

The Commission appreciates the committee’s efforts and foresight in proposing this legislation. The Commission will be collaborating with public charter schools and their governing boards on understanding and addressing Title IX requirements. The protections and guidance provided by this measure would assist public charter schools and the Commission in these efforts. The Commission looks forward to continuing its support of this legislation as it proceeds through the Legislature.

Thank you for the opportunity to provide this testimony.



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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
FINANCE

RE: HB 2139, HD 1 - RELATING TO DISCRIMINATION IN EDUCATION

THURSDAY, FEBRUARY 22, 2018

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke and Members of the Committee:

The Hawaii State Teachers Association **supports HB 2139, HD 1**, relating to discrimination in education.

Last year, President Donald Trump rescinded protections for transgendered students that had been put into effect by former President Barack Obama. This move was just the latest in a series of attacks on civil rights by the Trump administration causing concern for public school teachers, who are also worried about continued repeals of LGBT and immigrant protections by the Trump administration, threats to Title IX programming, and rising rates of LGBT bullying 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.

Executive Director  
Adriana Ramelli

Advisory Board

President  
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)  
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Steven T. Emura, MD

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Carol Fukunaga

Senator  
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: February 22, 2018

To: The Honorable Sylvia Luke, Chair  
The Honorable Ty Cullen, Vice Chair  
House Committee on Finance

From: Justin Murakami, Policy Research Associate  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of H.B. 2139 H.D. 1  
Relating to Discrimination in Education

Good afternoon Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 2139 H.D. 1.

As noted in Section 1 of the bill, the intent of this measure is to extend the protections of the federal Patsy Mink Equal Opportunity in Education Act, also known as Title IX of the Education Amendments of 1972 (Title IX), to education program and activity recipients of state funds.

National and local surveys of educational institutions receiving public funds support that such protections are badly needed. In one study conducted by the American Association of University Women, it was found that sexual harassment is a part of everyday life in middle and high schools, with 48% of students surveyed reporting that they experienced some form of sexual harassment during the school year (56% of female students and 40% of male students). In Hawai'i, the University of Hawai'i System recently reported its Climate Survey Report, which revealed that many students experienced harassment and gender violence on campus, and have come to expect that it will be a part of their school experience.

Unfortunately, over the past year, the current presidential administration and members of its cabinet have worked to dismantle or weaken many of the protections against sex-based discrimination in federally funded education programs previously afforded under Title IX. This includes reversing the interpretation of 'sex' to exclude sexual orientation and gender identity and expression, reducing protections for LGBTQ individuals. Moreover, the US Department of Education, under the current administration, rescinded guidance on the investigation of campus incidents of gender-based violence, including sexual assault, weakening systems for holding offenders accountable and providing victims relief.

Passage of H.B. 2139 H.D. 1 would be a powerful affirmation that the State of Hawai'i is aligned with the historical objectives of Title IX to reject sex

discrimination and all forms of gender-based harassment and violence in education programs and activities that receive public funding.

February 22, 2018

To: Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair  
House Committee on Finance

From: Mandy Finlay, Director of Public Policy  
Hawaii Children's Action Network

Re: **H.B. 2139, HD1– Relating to Discrimination in Education**  
**Hawaii State Capitol, Room 308, February 22, 2018, 12:30 PM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing in STRONG SUPPORT of H.B. 2139, HD 1– Relating to Discrimination in Education.**

H.B. 2139 would enact a state version of Title IX by prohibiting discrimination on the basis of sex — including sexual orientation, and gender identity and expression — in educational programs and activities that receive state financial assistance. It is more important than ever that Hawaii take steps to protect students against gender-based discrimination. In 2017, the Trump administration reversed Obama-era administrative guidance on the rights of LGBT students. Specifically, the U.S. Department of Education reversed the prior clarification that Title IX's prohibition against discrimination based on "sex" includes discrimination on the basis of sexual orientation and gender identity and expression, and that failing to allow a transgender student to use school facilities and participate in school activities in accordance with their gender identity violates Title IX. The U.S. Department of Education also rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault.

These actions taken by the Trump administration are antithetical to Hawaii's core values and have put the rights of our students in jeopardy. Students cannot thrive and succeed if they feel unsafe and unsupported at school. H.B. 2139 would help guarantee that regardless of federal action, Hawaii's students remain protected.

**For these reasons, HCAN respectfully requests that the committees pass this bill.**

*HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.*



February 20, 2018

House's Committee on Finance  
Hawai'i State Capitol  
415 South Beretania Street, Room 325  
Honolulu, HI 96813

Hearing: Thursday, February 22, 2018 – 12:30 p.m.

**RE: STRONG SUPPORT for House Bill 2139 HD 1 – RELATING TO DISCRIMINATION IN EDUCATION**

Aloha Chairperson Luke, Vice-Chair Cullen and fellow committee members,

I am writing in STRONG SUPPORT to House Bill 2139 HD 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. HB 2139 prohibits 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.

The LGBT Caucus believes that any state educational programs or activities should not be allowed to discriminate against anyone in any of the protected classes. Now with the current Federal Administration looking to strip all protections that they can from the LGBTQIA community HB 2139 is so desperately needed.

In 2017 a survey, conducted by The Harris Poll on behalf of GLAAD (Gay Lesbian Alliance Against Defamation), an LGBT media advocacy group, showed for the first time in four years a decline in acceptance for members of the LGBT Community. Which we believe is in direct response to the current Federal Administration's efforts to strip away any and all protections for the LGBTQIA community.

In the past year we have seen the current Federal Administration even advocate for discrimination against our transgender 'ohana members at every level – from serving in the military to receiving basic health services. There appears no end in sight and so we ask that you do what you can to protect all members of Hawaii's LGBTQIA community.

According to a nationally representative survey performed by Center for American Progress, 1 in 4 members of the LGBT community reported facing discrimination in 2016. Among people who experienced sexual orientation- or gender-identity-based discrimination:

- 68.5 percent reported that discrimination at least somewhat negatively affected their psychological well-being.
- 43.7 percent reported that discrimination negatively impacted their physical well-being.
- 47.7 percent reported that discrimination negatively impacted their spiritual well-being.
- 38.5 percent reported discrimination negatively impacted their school environment.
- 56.6 report it negatively impacted their neighborhood and community environment.

So for all these reasons we hope that you all will support HB 2139 HD 1.

Thank you for your thoughtful consideration of HB 2139 HD 1.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
LGBT Caucus for the DPH



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

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**TESTIMONY FOR HOUSE BILL 2139, HOUSE DRAFT 1, RELATING TO  
DISCRIMINATION IN EDUCATION**

**House Committee on Finance  
Hon. Sylvia Luke, Chair  
Hon. Ty J.K. Cullen, Vice Chair**

**Thursday, February 22, 2018, 12:30 PM  
State Capitol, Conference Room 308**

Honorable Chair Luke and committee members:

I am Kris Coffield, representing IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of House Bill 2139, HD 1, relating to discrimination in education.

On February 22, 2017, the administration of President Donald Trump revoked Obama-era protections that allowed transgender students to use bathrooms and facilities corresponding with their gender identity in public schools. Education and LGBT advocacy groups quickly and correctly denounced the revocation as a politically motivated attack that will endanger transgender children and sow confusion over the federal government's role in enforcing civil rights. As attacks on minorities escalate across the country following Donald Trump's election to the nation's highest political office, the President and his executive team have demonstrated a willingness to violate civil liberties with reckless abandon, from banning Islamic individuals from entering the United States to threatening immigrant communities with deportation to appointing a Secretary of Education descended from an anti-LGBT dynasty that promotes conversion therapy to "cure LGBT children of same-sex attractions."

Amending HRS §368 to defend against discrimination based on gender, gender expression, or sexual orientation, then, codifies into state law what exists at the federal level under Title IX of the Education Amendments Act of 1972, redesignated in 2002 as the Patsy Mink Equal Opportunity in Education Act. While the applicability of protections articulated under HRS § 368-1.5 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*, the actions of the Trump administration mandate greater state protections for LGBT individuals in education, employment, health care, housing, social services, public safety, and

corrections, among other areas, as federal protections appear on the cusp of elimination. Under Obama, the Equal Employment Opportunity Commission broadened the scope of existing employment nondiscrimination law to encompass LGBT people by interpreting Title VII's ban on workplace "sex discrimination" to include discrimination based on sexual orientation and gender identity. EEOC officials reasoned that discrimination against LGBT people is rooted in stereotypical beliefs about gender expression, biology, and romantic attraction, which directly connect to beliefs about sex. The commission's 2015 decision that antigay discrimination is sex discrimination was 3–2; the majority was composed entirely of Obama appointees.

More controversially, the U.S. Department of Education borrowed the EEOC's logic to interpret Title IX as banning sex discrimination in any educational institution or program that receives federal funds, unless the institution receives an explicit waiver for religious purposes. In 2014, under Obama's purview, the DOE announced that Title IX's sex discrimination provision bans LGBT discrimination (while also holding that excluding transgender students from the bathroom that corresponds to their gender identity constitutes illegal sex discrimination). When religious schools swiftly moved to obtain a waiver from the new rules, the DOE responded by providing a public list of the exempted institutions, which were previously permitted to exempt themselves in secrecy. We must call to mind children like Ash Whitaker, who sued his transphobic school after it banished him from the boys' bathroom and considered making him wear a bright green wristband so the staff could monitor his restroom use. In September of 2016, Whitaker won an emphatic ruling forbidding his school from discriminating against him. In the Trump Era, however, one can easily imagine progressive anti-discrimination policies being repealed.

Every Hawai'i anti-discrimination statute prohibits discrimination based on sex, gender identity and expression, and sexual orientation, except for HRS § 368. According to researchers at the Williams Institute, Hawai'i maintains the highest percentage of persons who identify as transgender individuals. Hawai'i also has a long history of guarding against discrimination toward our LGBT community, beginning with the landmark *Baehr v. Miike* ruling in 1993 that initiated the legal battle for marriage equality in the United States. When it comes to education specifically, 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 expression or sexual orientation. Thus, this bill amplifies protections already established in state law, board policy, and administrative rules.

Hawai'i prides itself on being a paradise for all. To keep the arc of the islands' history bending toward justice, we ask your committee to support this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance





TESTIMONY IN SUPPORT OF  
H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

Nadine Ortega, J.D.  
Coordinator, AF3IRM Hawai‘i

House Committees on Finance  
February 22, 2018, 12:30 p.m., Conference Room 308

Dear Chair Luke and Members of the Committee:

On behalf of AF3IRM Hawai‘i, I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting sex-based discrimination in educational programs and activities that receive state financial assistance. Our organization has spent the last three years organizing women students, and the bulk of our membership are graduates or current students of the University of Hawai‘i. From this work, we that know that sex discrimination, including sexual harassment and sexual assault, remains a significant, if underreported, obstacle for women and girls in Hawai‘i. This is especially true of Native Hawaiian women.

We also know that sex discrimination follows us into the workplace. To ensure that no state agency be allowed to discriminate on the basis of sex and to ensure that our schools are spaces free of sex discrimination and gender violence for students of all ages, we request that you amend this bill to cover all state funded programs and services.

H.B. 2139 is a critical response to the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai‘i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

The University survey also confirms that LGBTQ students are the most vulnerable, and experience the highest rates of gender violence and sexual harassment, as compared to their male/female counterparts and students identifying as heterosexual. For example, while there was a troubling, high prevalence of intimate partner violence across the University system with 19.1% of student respondents reporting intimate partner violence (~ 1 in 10 students), transgender and gender non-conforming (TGQN) students had the highest rate of dating and domestic violence with 40.3% of undergrad TGQN students and 29.6% of TGQN community college students reporting IPV. The alarming prevalence of gender violence against our LGBTQ students exemplifies the need to expand statutory protection and legal recourse against discrimination of sex to include, gender identity/expression and sexual orientation.

Studies show that about 20 percent of girls and 5 percent of boys are victims of sexual abuse, with children most vulnerable between the ages of 7 and 13.<sup>1</sup> 44 percent of attacks take place before the individual enrolls in college and children who experience sexual violence are nearly 14 times as likely as those who don't to experience rape or attempted rape in their first year of college.<sup>2</sup> Despite these grim statistics, K-12 schools remain pitifully unprepared and irresponsibly reluctant to act. Experts agree that college is way too late to address issues of sexual violence—a 2013 study revealed that one in ten people between the ages of 14-21 has already committed an act of sexual violence.<sup>3</sup>

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. I again urge you to extend this bill to cover all state funded programs and services.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

Nadine Ortega, J.D.  
Coordinator, AF3IRM Hawai'i

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<sup>1</sup> National Center for Victims of Crime, Child Abuse Statistics, <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/child-sexual-abuse-statistics> (last updated 2012).

<sup>2</sup> *Id.*

<sup>3</sup> Michele L. Ybarra & Kimberly J. Mitchell, *Prevalence Rates of Male and Female Sexual Violence Perpetrators in a National Sample of Adolescents*, 12 JAMA PEDIATRICS 1125 (Dec. 2013).



Committee: House Committee on Finance  
Hearing Date/Time: Thursday, February 22, 2018, 12:30 p.m.  
Place: Conference Room 308  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 2139, H.D. 1  
Relating to Discrimination in Education

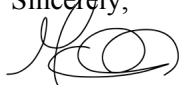
Dear Chair Luke, Vice Chair Cullen, and Committee Members:

The American Civil Liberties Union of Hawai'i ("**ACLU of Hawai'i**") writes **in strong support** of H.B. 2139, H.D. 1, which seeks to provide for a state corollary to Title IX protecting students from discrimination on the basis of sex, including sexual orientation and gender identity and expression, in any state educational program or activity and in any educational program or activity that receives state funds.

Since its enactment in 1972, Title IX has made a tremendous difference in student's lives. Most people know of Title IX primarily because of its dramatic impact on women's athletics, but that is only part of the story. In addition to ensuring equal access to the athletic field, Title IX also mandates that the academic environment be free from gender-based violence, harassment, and bullying, prohibits sex-segregated programs that are based on and reinforce gender stereotypes, and protects the rights of pregnant and parenting students to continue and complete their education.

With the U.S. Department of Education's recent rescission of Title IX guidance related to sexual assault and the Trump administration's reversal of the federal government's previous interpretation of the prohibition against discrimination based on "sex," which covered discrimination based on sexual orientation and gender identity and expression, adopting a state corollary to Title IX in Hawai'i state law is vital. No students should have to feel unsafe or unwelcome in their own school because of their sex, or because they do not conform to stereotypical notions about how boys or girls should behave. Title IX was designed to protect all students, including boys and girls; transgender students and gender-nonconforming students, and pregnant and parenting students, from discrimination, harassment and harm, and so we ask that your Committee reaffirm such protections by passing H.B. 2139, H.D. 1.

Thank you for the opportunity to testify.

Sincerely,  
  
Mateo Caballero  
Legal Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i 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 Hawai'i has been serving Hawai'i for 50 years.*

American Civil Liberties Union of Hawai'i  
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February 22, 2018

To: Representative Sylvia Luke, Chair  
Representative Ty Cullen, Vice Chair and  
Members of the Committee on Finance

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2139 HD1 Relating to Discrimination in Education  
Hearing: Thursday, February 22, 2018, 12:30 p.m., Room 308

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of HB 2139 HD1 Relating to Discrimination in Education which codifies into state law Title IX (the Patsy T. Mink Equity in Education Act), the landmark federal law that prohibits the denial of benefits to or discrimination against a qualified individual on the basis of sex in educational programs and activities.

This measure is urgently needed because The Trump administration 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. USDOE also rescinded its guidance on the investigation of campus sex assaults. Further, the Trump administration rescinded protections for transgendered students that had been put into effect by the Obama administration.

Currently, a minor student who is the victim of sexual harassment or sexual assault that was perpetrated at school by an adult employee or administrator has no effective civil rights protection.

The recent wave of sexual harassment and sexual assault revelations uplifted through the #metoo movement have made clear that gender-based violence and harassment persists throughout the United States, including Hawai'i.

According to the recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across 10 UH campuses:<sup>1</sup>

- 1 in 10 students reported experiencing sexual harassment at any time while enrolled at UH;
- 14.7% percent of students at UH perceive sexual assault and harassment to be extremely problematic at UH;

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<sup>1</sup> Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.

- 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, with 1 in 4 feel that an off-campus, university-sponsored event incident was likely;
- 46% of students perceived that campus officials would treat students who experience sexually harassment or gender violence respectfully, and 49% believed their safety would not be protected;
- 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH;
- Lesbian/gay/bisexual students had significantly higher rates of all forms of gender violence than those in other sexual orientation groups.

Title IX is meant to provide all students with a safe environment on all campuses so that they have equal access to education. We ask that the committee pass this measure to protect our students.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. Thank you for the opportunity to provide testimony in support of this measure.

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Rick Collins, President

Judith F. Clark, Executive  
Director

Bay Clinic

Big Brothers Big Sisters of  
Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of  
West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action  
Network

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together  
(PACT)

Planned Parenthood of the  
Great Northwest and  
Hawaiian Islands

PHOCUSED

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community  
Center

The Catalyst Group

February 20, 2018

To: Representative Sylvia Luke, Chair  
And members of the Committee on Finance

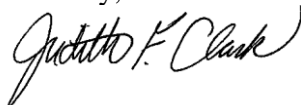
## **TESTIMONY IN SUPPORT OF HB 2139 HD1 RELATING TO DISCRIMINATION IN EDUCATION**

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 2139 HD1 Relating to Discrimination in Education.

All children and youth deserve the right to participate fully in school-based academic, sports, and other educational activities and opportunities. No child should be discriminated against based on basis of sex, including gender identity or expression, or sexual orientation basis of sex, including gender identity or expression, or sexual orientation.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

**HB-2139-HD-1**

Submitted on: 2/21/2018 12:28:04 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--|---------------------------|---------------------------|
| Melodie Aduja       | OCC Legislative<br>Priorities Committee,<br>Democratic Party of<br>Hawai'i | Support                   | No                        |

Comments:



**ACOG**  
The American College of  
Obstetricians and Gynecologists

*American College of  
Obstetricians and Gynecologists  
District VIII, Hawai'i (Guam & American  
Samoa) Section*

TO: House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

DATE: Thursday, February 22, 2018, 12:30PM  
PLACE: Conference Room 308

FROM: Hawaii Section, ACOG  
Dr. Greigh Hirata, MD, FACOG, Chair  
Dr. Chrystie Fujimoto, MD, FACOG, Vice-Chair  
Dr. Reni Soon, MD, MPH, FACOG, Legislative Chair  
Lauren Zirbel, Community and Government Relations

**HB 2139\_HD1: Relating to Discrimination in Education**  
**Position: SUPPORT**

The Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) supports HB 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex, including gender identity or expression, or sexual orientation in educational programs and activities that receive state financial assistance. As a Section of the Nation's leading group of physicians dedicated to ensuring quality health care for women, HI ACOG represents more than 200 obstetrician/gynecologist physicians in our state.

Our organization recognizes the importance of education in the overall advancement and wellbeing of individuals and communities, and we advocate for everyone's right to access education in an environment free of sexual harassment, assault or any discrimination based on sexual orientation or gender identity. In light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws, HB 2139 is urgently needed.

The importance of a state-level solution was made even more evident by a recent University of Hawai'i Climate Survey Report, which was sent to 44,671 adult students across ten UH campuses. Almost 1 in 10 respondents reported experiencing sexual harassment (with an appalling 34% reporting that the offender was UH faculty or staff).<sup>1</sup> The survey also found higher rates of sexual harassment, stalking, non-consensual sexual contacted reported by female undergraduates, Native Hawaiian students, transgender/genderqueer/non-conforming students, lesbian/gay/bisexual students, and students with disabilities. These statistics are appalling, and it is incumbent upon all of us to do what we can to address this discrimination and violence.

HB 2139 has never been more needed. As an organization dedicated to the health and wellbeing not only of women, but families and communities as well, HI ACOG respectfully urges your Committee to pass this critical bill.

Thank you for the opportunity to testify.

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<sup>1</sup> Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.



To: Hawaii State House Committee on Finance  
Hearing Date/Time: Thursday, Feb. 22, 2018, 12:30 pm.  
Place: Hawaii State Capitol, Rm. 308  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 2139, HD1, relating to Discrimination in Education

Dear Chair Luke and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 2139, HD1, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawaii Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely.<sup>1</sup> In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.<sup>2</sup>

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

Sincerely,

Laurie Field  
Hawaii Legislative Director

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<sup>1</sup> Loui, P. “University of Hawai‘i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary,” Sept. 11, 2017.

<sup>2</sup> Id.

To: House Committee on Finance

Hearing Date/Time: February 22, 2018, 12:30PM, Capitol Room 308

TESTIMONY IN SUPPORT OF  
H.B. 2139 HD1– RELATING TO DISCRIMINATION IN EDUCATION

Dear Chair Luke, Vice Chair Cullen, and members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of HB 2139 HD1, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

HB 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The essence of Title IX is to for all schools—from Kindergarten through college—to provide students with a learning environment that is free from gender-based discrimination in all forms, including sexual violence. Schools must address all safety concerns—environment, bullying, drugs/alcohol, security—and sexual violence is no different.

The current administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely.<sup>1</sup> In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.<sup>2</sup>

Accordingly, I SUPPORT HB 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Kathleen Algire  
Director, Public Policy and Advocacy  
YWCA O'ahu

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<sup>1</sup> Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.

<sup>2</sup> Id.

## FIN-Jo

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**From:** Yvonne Mahelona <mahelonay@icloud.com>  
**Sent:** Tuesday, February 20, 2018 6:13 PM  
**To:** FINTestimony  
**Subject:** TESTIMONY IN SUPPORT OF H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

TESTIMONY IN SUPPORT OF  
H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

House Committee on Finance  
February 22, 2018, 12:30 p.m., Conference Room 308

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Mahalo,

Yvonne Mahelona  
[\(808\) 436-3424](tel:(808)436-3424)  
[Mahelonay@yahoo.com](mailto:Mahelonay@yahoo.com)

Sent from my iPhone. Please excuse any typo's.

**From:** mykie ozoa <meozoa@gmail.com>  
**Sent:** Wednesday, February 21, 2018 9:05 AM  
**To:** FINTestimony  
**Subject:** Testimony in SUPPORT of HB2139

TESTIMONY IN SUPPORT OF  
H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

House Committee on Finance  
February 22, 2018, 12:30 p.m., Conference Room 308

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

As the sister of a high school junior and a lawyer in the field of Title IX, I know firsthand that H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. <sup>[1]</sup> In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH. <sup>[2]</sup>

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,  
Mykie E. Menor Ozoa, J.D.

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<sup>[1]</sup> Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.

<sup>[2]</sup> *Id.*

Michael (Mike) Golojuch, Sr.  
92-954 Makakilo Drive #71  
Kapolei, HI 96707-1340

February 21, 2018

The Honorable Sylvia Luke, Chair  
and Members  
Committee on Finance

514 Beretania Street  
Honolulu, Hawaii 96813

RE: HB2139, RELATING TO DISCRIMINATION IN EDUCATION

I strongly support HB2139. In this day and age, no student should face discrimination due to gender identity or expression, or sexual orientation. Every student should be treated equally and allowed to participate in any state educational program or activity, or in any educational program or activity that receives state financial assistance without fear of discrimination.

I am extremely happy that the Women's Legislative Caucus brought forth this measure.

Please expedite passage of this measure.

Thank you for letting me express my strong support for HB2139.

Sincerely,

Mike Golojuch, Sr.  
Board Member  
Rainbow Family 808

## FIN-Jo

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**From:** Nanea Lo <naneaclo@gmail.com>  
**Sent:** Tuesday, February 20, 2018 11:06 PM  
**To:** FINTestimony  
**Subject:** HB2139

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

--

Nanea Lo  
Office Manager  
Native Hawaiian Student Services  
University of Hawai'i at Mānoa  
Queen Lili'uokalani Center for Student Services #104  
Kamakakūokalani Center for Hawaiian Knowledge #211  
Phone: (808)454-3504  
Email: [naneaclo@gmail.com](mailto:naneaclo@gmail.com)

Some people say that Hawai'i will be a better place when Hawaiians no longer stand in the way of progress. But even these people must know that at this point, this will no longer be Hawai'i. - Jonathan Kay Kamakawiwo'ole Osorio. The Value of Hawai'i

**From:** Piikea Kalakau <piikeakalakau@gmail.com>  
**Sent:** Tuesday, February 20, 2018 6:27 PM  
**To:** FINTestimony  
**Subject:** Testimony in SUPPORT of HB2139

TESTIMONY IN SUPPORT OF  
H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

House Committee on Finance  
February 22, 2018, 12:30 p.m., Conference Room 308

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

--

Piikea N. Kalakau



**From:** Lisa Grandinetti <lisanakagrand@gmail.com>  
**Sent:** Tuesday, February 20, 2018 2:28 PM  
**To:** FINTestimony  
**Subject:** TESTIMONY IN SUPPORT OF H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

I am a recent graduate of UH Mānoa and I can attest to the fact that Title IX has made vital resources available to survivors of sexual assault and gender violence like myself. It would be an utter failure to us to not take steps to ensure Title IX is protected and programs of the Women's Center are not only preserved but expanded.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,  
Lisa Grandinetti

**HB-2139-HD-1**

Submitted on: 2/20/2018 3:04:05 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Joy Marshall        | Individual          | Support                   | No                        |

Comments:

## FIN-Jo

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**From:** Shay Chan Hodges <shay.chanhodges@gmail.com>  
**Sent:** Tuesday, February 20, 2018 8:26 PM  
**To:** FINTestimony  
**Subject:** H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

Shay Chan Hodges

Haiku, Maui, Hawaii

Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.

*Id.*

Shay Chan Hodges

Author, [Lean On and Lead, Mothering and Work in the 21st Century Economy](#)

Catalyst, Family-Centered Design<sup>SM</sup> thinking

Twitter: @LeanOnAndLead

Facebook: Lean On and Lead

[Download the iBook:](#)

**From:** Rebecca Goldschmidt <rmgoldschmidt@gmail.com>  
**Sent:** Tuesday, February 20, 2018 8:26 PM  
**To:** FINTestimony  
**Subject:** Testimony in support of HB2139

TESTIMONY IN SUPPORT OF  
H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

House Committee on Finance  
February 22, 2018, 12:30 p.m., Conference Room 308

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

As a student and resident of Honolulu who has experienced sexual harassment at the University of Hawai'i and throughout my life at work, in school, on the street, on public transportation, in private and public spaces, I strongly support the passing of H.B. 2139.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

Rebecca Maria Goldschmidt

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**rebecca goldschmidt**

photography, etc.



**HB-2139-HD-1**

Submitted on: 2/20/2018 11:07:13 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Nanea Lo            | Individual          | Support                   | No                        |

Comments:

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely. In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

Nanea Lo



**HB-2139-HD-1**

Submitted on: 2/21/2018 12:50:24 AM

Testimony for FIN on 2/22/2018 12:30:00 PM

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

Comments:

In strong support of HB2139 HD1

**HB-2139-HD-1**

Submitted on: 2/21/2018 2:48:01 AM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Younghi Overly      | Individual          | Support                   | No                        |

Comments:

Chair Luke, Vice-Chair Cullen, and Members of the House Committee on Finance,

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

H.B. 2139 is urgently needed in light of the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The current federal administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault.

Based on a nationally representative survey of 1,965 students in grades 7–12 conducted by American Association of University Women (AAUW), sexual harassment is part of everyday life in middle and high schools: (Source: Hill, C., “Crossing the Line: Sexual Harassment at School,” Nov. 2011)

1. Nearly half (48 percent) of the students surveyed experienced some form of sexual harassment in the 2010–11 school year, and the majority of those students (87 percent) said it had a negative effect on them;
2. Girls were more likely than boys to be sexually harassed, by a significant margin (56 percent versus 40 percent);
3. Being called “gay” or “lesbian” in a negative way is sexual harassment that girls and boys reported in equal numbers (18 percent of students).

Despite overwhelming evidence of sexual harassment in schools, the Civil Rights Data Collection (CRDC) revealed that more than three-fourths (79) of all public school grades 7-12 reported zero incidents of sexual harassment. (Source: Yuen, P., “Three-Fourths

of Schools Report Zero Incidents of Sexual Harassment in Grades 7-12," Oct. 24, 2017). The math does not add up.

Weakening of protection from sex discrimination including sexual harassment and sexual assault will only worsen a problem that is already bad.

As a member of American Association of University Women (AAUW) Hawaii and a mom, I strongly support H.B. 2139 to protect our keiki from sexual harassment and sexual assault regardless of their gender, gender identity or expression, and sexual orientation. Please PASS this important measure.

Thank you for the opportunity to testify for this important measure.

**SUPPORT for Senate Bill 2353 & House Bill 2139 - RELATING TO DISCRIMINATION IN EDUCATION**

As a women's health nurse practitioner and pre-title IX athlete, I have witnessed the value of a community of validation that has occurred through Title IX and is currently at risk on the federal level due to the will to deconstruct this validation. Title IX promotes healthier children and young adults who, due to increased self-worth, are less likely to experiment in risky sexual and illicit drug use and other self-destructive behavior. These children and young adults, through their validation in education and athletic practices (including facilities) and are also less likely to experience depression and morbid or suicidal ideology.

**HB-2139-HD-1**

Submitted on: 2/21/2018 12:37:37 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Michelle Rocca      | Individual          | Support                   | No                        |

Comments:

I strongly support this measure.

**From:** [Mackenzie Ozoa](#)  
**To:** [FINTestimony](#)  
**Subject:** Testimony in SUPPORT of HB 2139  
**Date:** Wednesday, February 21, 2018 12:48:14 PM

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TESTIMONY IN SUPPORT OF  
H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

House Committee on Finance  
February 22, 2018, 12:30 p.m., Conference Room 308

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

I could not come to testify in person today because I am still in high school and could not miss class. I am a 16-year-old junior at a co-ed, preparatory school here in Honolulu. Just a couple of weeks ago, three of my male classmates were arrested after they catcalled and groped my female classmate at school. Despite having committed sexual assault, the boys were only suspended for a few days and two of them are back in school. That same week, another high school made 7<sup>th</sup> grade girls who came forward about rape sit through a talk about self-respect and self-love. Furthermore, we have all seen the headlines and heard the stories about another school's faculty and staff having inappropriate relationships with students.

While much of the conversation around Title IX has focused on colleges and universities, there has nevertheless been a surge in Title IX and sexual misconduct complaints against K-12 schools. Unfortunately, because of the focus on college and universities, K-12 schools and districts have not been provided Title IX support (including resources and clear guidelines and procedures) as robust as those provided to our higher education counterparts.

Studies show that about 20 percent of girls and 5 percent of boys are victims of sexual abuse, with children most vulnerable between the ages of 7 and 13.<sup>[1]</sup> 44 percent of attacks take place before the individual enrolls in college and children who experience sexual violence are nearly 14 times as likely as those who don't to experience rape or attempted rape in their first year of college.<sup>[2]</sup> Despite these grim statistics, K-12 schools remain pitifully unprepared and irresponsibly reluctant to act. Experts agree that college is way too late to address issues of sexual violence—a 2013 study revealed that one in ten people between the ages of 14-21 has already committed an act of sexual violence.<sup>[3]</sup>

H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has 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. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This

war on women, girls, and LGBT individuals calls upon all of us to take action.

Accordingly, I SUPPORT H.B. 2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,  
Mackenzie E. Menor Ozoa

---

[1] National Center for Victims of Crime, Child Abuse Statistics, <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/child-sexual-abuse-statistics> (last updated 2012).

[2] *Id.*

[3] Michele L. Ybarra & Kimberly J. Mitchell, *Prevalence Rates of Male and Female Sexual Violence Perpetrators in a National Sample of Adolescents*, 12 JAMA PEDIATRICS 1125 (Dec. 2013).

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 6:22:15 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| Submitted By          | Organization | Testifier Position | Present at Hearing |
|-----------------------|--------------|--------------------|--------------------|
| Lindsay Kukona Pakele | Individual   | Support            | No                 |

Comments:

J.D., Esq. Lindsay Kukona Pakele, M.S. Ed.,  
February 21, 2018

Committee on Finance

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

**Hearing:** Thursday, February 22, 2018,  
12:30 p.m.

Testimony in **Strong Support** of H.B. 2139, H.D. 1

My name is Lindsay Kukona Pakele and I am in **strong support** of H.B. 2139, H.D. 1. On February 13, 2018, I gave oral testimony in support of this bill before the House Committee on Judiciary. I have attached a copy of my testimony for your committee's review and consideration. I remain in strong support of the bill and so should you if you truly believe that women should be afforded the same dignity, rights and privileges as men and you also support affirmative measures to promote gender equality in order to combat and destabilize the patriarchal world we live in.

While it is easy to stand behind the spirit and intent of the bill, often money and pre-determined "priority" areas prevent legislators from making the leap from supporting what is right *in general* to taking **concrete action** to see practical, defined solutions come to fruition.

I am one of the survivors still healing from the discriminatory acts described in this bill and my healing will be a life-long process. As I passionately testified last week and will continue to advocate for for the rest of my life, **take action today** to help lessen the future harm that so many will experience. Help strengthen the shield that will hopefully decrease the additional pain and trauma that often comes when survivors are brave enough to come forward and seek relief for their claims.



Patriarchy remains entrenched in our governments, our schools, our workplaces and even our own homes so we must take action to decrease its power. In the spirit of intersectional feminism and moving beyond theory into action, give H.B. 2139, H.D. 1 the financial support it needs to save the lives and the dreams of past, present and future survivors. YOU have the power to make Hawai'i and a small part of the world better with your support. I need you, we need you and future generations need you. **DO THE RIGHT THING AND PASS H.B. 2139, H.D. 1.** If you don't understand how important it is yourself, do it for all the women you care about. Our lives and our futures depend on it.

Sincerely,

Lindsay Kukona Pakele, Survivor



February 13, 2018

Representative Sylvia Luke, Chair  
House Committee on Finance

**LATE**

**Re: H.B. 2139, H.D.1 Relating to Discrimination in Education**

**Hearing: Thursday, February 22, 2018, 12:30 pm, Room 308**

Dear Chair Luke and Members of the Committee on Finance:

Hawaii Women Lawyers submits testimony in **strong support** of H.B. 2139, H.D.1, 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 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. 2139, H.D.1 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. 2139, H.D.1.

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

**From:** [Catherine Ritti](#)  
**To:** [FINTestimony](#)  
**Subject:** HB 2139  
**Date:** Wednesday, February 21, 2018 3:40:45 PM

---



Dear House Legislators,

Please consider this as my formal testimony on HB 2139.

I am writing to urge you to support HB 2139. This bill will codify into state law, Title IX, which the current presidential administration is working to dismantle. The bill defines "sex" so as to include gender identity and expression, as well as sexual orientation, and thus will work to protect students who may face discrimination based on their above identities. This bill is limited to educational programs that receive state aid and it also includes enforcement procedures and rulemaking authority in the HI Civil Rights Commission.

In the wake of the #metoo movement, it is clear that female and LGBTQ citizens still need laws to ensure them equal protections and opportunities. All students deserve to learn in an environment free of sexual harassment. All students deserve to feel that their school will protect them should any incidents arise. We need to act to challenge the culture that make so many feel unsafe on a daily basis at school, and in our communities.

Please support this bill.

Thank you,

Catherine Ritti

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 8:18:29 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Joe Wilson          | Individual          | Support                   | No                        |

Comments:

Prohibiting 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 is long overdue in Hawai'i. Thank you for giving this Bill the attention it deserves.

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 8:21:40 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Cynthia Fritts      | Individual          | Support                   | No                        |

Comments:

Twelve of 13 peer-reviewed studies show that Conversion Therapy is ineffective and/or harmful, finding links to depression, suicidality, anxiety, social isolation. We need to stop these abusive practices and stand up for the Civil Rights of these human beings. <http://whatweknow.law.columbia.edu/topics/lgbt-equality/what-does-the-scholarly-research-say-about-whether-conversion-therapy-can-alter-sexual-orientation-without-causing-harm/>

**LATE**

Title IX Petition – Prohibiting Discrimination in Public Schools

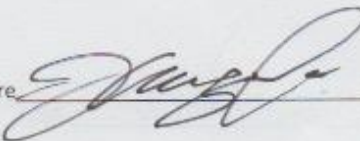
**PLANNED PARENTHOOD  
GENERATION  
ACTION**

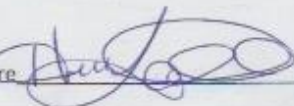
at the University of Hawaii - Manoa

In the absence of a state Title IX corollary, a minor student who is the victim of sexual harassment or sexual assault that was perpetrated at school by an adult employee or administrator will have no effective civil rights protection. In contrast, similarly situated teachers, custodians, counselors, office staff, and administrators will be effectively protected under state and federal fair employment laws, specifically, part I of chapter 378, Hawaii Revised Statutes, and Title VII of the Civil Rights Act of 1964. As a result, adult employees are presently protected against sexual harassment in state educational programs, while students, including children, are not.

The legislature finds that Title IX of the Education Amendments of 1972 triggered a seismic shift in the education landscape by prohibiting discrimination on the basis of sex by any education program or activity receiving federal funds. The Education Amendments of 1972, otherwise known as the Patsy Mink Equal Opportunity in Education Act (2002), has given millions of girls and women educational opportunities that were undreamed of before enactment of Title IX, in the classroom and on the playing fields, in research, teaching, and graduate schools, and in employment, medicine, law, and other professions. The legislature recognizes, however, that Patsy Mink's celebrated legacy has not been fully realized, and that the efficacy of Title IX federal protections against sex discrimination in education has been diminished and eroded. For these reasons, the legislature believes it is time to consider and address the need for a corollary to Title IX in state law. Please pass S.B. 2353 and companion H.B. 2139.

TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 –  
RELATING TO DISCRIMINATION IN EDUCATION

Signature  City Manoa Zip 99521

Signature  City Manoa Zip 99521

Signature  City Manoa Zip 99521

**Title IX Petition - Prohibiting Discrimination in Public Schools**

**PLANNED PARENTHOOD  
GENERATION  
ACTION**  
at the University of Hawaii - Manoa

In the absence of a state Title IX corollary, a minor student who is the victim of sexual harassment or sexual assault that was perpetrated at school by an adult employee or administrator will have no effective civil rights protection. In contrast, similarly situated teachers, custodians, counselors, office staff, and administrators will be effectively protected under state and federal fair employment laws, specifically, part 1 of chapter 378, Hawaii Revised Statutes, and Title VII of the Civil Rights Act of 1964. As a result, adult employees are presently protected against sexual harassment in state educational programs, while students, including children, are not.

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TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 - RELATING TO  
DISCRIMINATION IN EDUCATION

Signature *Sophia H. Zin* City Honolulu Zip 96822

Signature *Carla N. Delaney* City Honolulu Zip 96822

Signature \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_



Signature Anaya Southard City Honolulu Zip 96816

Signature ANDYKATZ City HONOLULU Zip 96816

Signature Amalee City HONOLULU Zip 98626

Signature [Handwritten Signature] City Honolulu Zip 96817

Signature Crip So City Honolulu Zip 96822

Signature [Handwritten Signature] City Honolulu Zip 96822

Signature [Handwritten Signature] City Honolulu Zip 96822

Signature [Handwritten Signature] City Honolulu Zip 96828

Signature [Handwritten Signature] City Honolulu Zip 96706



**Title IX Petition – Prohibiting Discrimination in Public Schools**

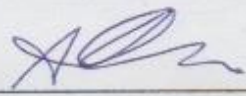
**PLANNED PARENTHOOD  
GENERATION  
ACTION**  
at the University of Hawaii - Manoa


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TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 – RELATING TO  
DISCRIMINATION IN EDUCATION

Signature  City Honolulu Zip 96822

Signature  City Honolulu Zip 96822

Signature  City Honolulu Zip 96822

Signature [Signature] City Honolulu Zip 96813

Signature [Signature] City Honolulu Zip 96848

Signature [Signature] City Honolulu Zip 96822

Signature Haley D. Stree City Honolulu Zip 96818

Signature Therese Brown City Honolulu Zip 96812

Signature [Signature] City Kapolei Zip 96707

Signature [Signature] City Honolulu Zip 96822

Signature [Signature] City KANEOHE Zip 96741

Signature Morgan D City Honolulu Zip 96821

**Title IX Petition – Prohibiting Discrimination in Public Schools**

**PLANNED PARENTHOOD  
GENERATION  
ACTION**  
at the University of Hawaii - Manoa

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TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 – RELATING TO  
DISCRIMINATION IN EDUCATION

Signature Maui Bezel City Honolulu Zip 96822

Signature Ann Ann City Honolulu Zip 96822

Signature Mina Lon City Honolulu Zip 96822



Signature Brian [Signature] City Honolulu Zip 96822

Signature Alvin Kenneth White City Honolulu Zip 96822

Signature Alan [Signature] City Honolulu Zip 96822

Signature [Signature] City Honolulu Zip 96815

Signature [Signature] City Honolulu Zip 96822

Signature [Signature] City Honolulu Zip 96813

Signature [Signature] City Honolulu Zip 96822

Signature [Signature] City Honolulu Zip 96822

Signature Paul R. [Signature] City Honolulu Zip 96822

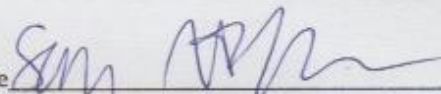
**Title IX Petition - Prohibiting Discrimination in Public Schools**


**PLANNED PARENTHOOD  
GENERATION  
ACTION**  
at the University of Hawaii - Manoa


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TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 - RELATING TO DISCRIMINATION IN EDUCATION

Signature  City Honolulu Zip 96822

Signature  City Honolulu Zip 96822

Signature  City Honolulu Zip 76815

Signature [Handwritten Signature] City HNL Zip 96818

Signature Isabelle Pousin City HNL Zip 96786

Signature [Handwritten Signature] City HNL Zip 96816

Signature Molien Mo City Honolulu Zip 96822

Signature [Handwritten Signature] City Honolulu Zip 96826

Signature Liana Genauer City Kaneohe Zip 96744

Signature Steph Wingrey City Honolulu Zip 96813

Signature Austin Chong City Honolulu Zip 96822

Signature Mateo City Honolulu Zip 96822



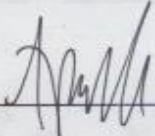
**Title IX Petition – Prohibiting Discrimination in Public Schools**


**PLANNED PARENTHOOD  
GENERATION  
ACTION**  
at the University of Hawaii - Manoa

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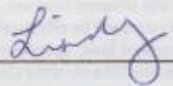
TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 – RELATING TO  
DISCRIMINATION IN EDUCATION

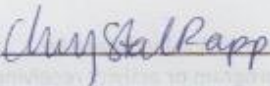
Signature  City Kailua Zip 96734


Signature  City Kailua Zip 96734

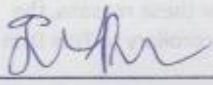
Signature Fernanda Henning City Honolulu Zip 96822


Signature  City Kanabolu, HI Zip 96744

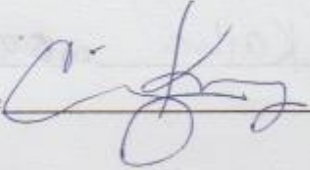
Signature  City Honolulu Zip 96822

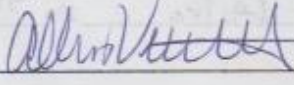
Signature  City honolulu Zip 96822

Signature  City honolulu Zip 96822

Signature  City honolulu Zip 96825

Signature  City honolulu Zip 96813

Signature  City honolulu Zip 96816

Signature  City honolulu Zip 96822

Signature  City Brooklyn Zip 11217



**Title IX Petition - Prohibiting Discrimination in Public Schools**

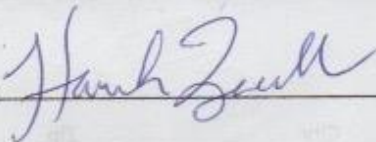
**PLANNED PARENTHOOD  
GENERATION  
ACTION**  
at the University of Hawaii - Manoa

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TESTIMONY IN SUPPORT OF S.B. 2353 AND COMPANION H.B. 2139 - RELATING TO  
DISCRIMINATION IN EDUCATION

Signature  City Honolulu Zip 96822

Signature  City Honolulu Zip 96816

Signature  City Honolulu Zip 96822

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 8:29:26 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b>           | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|-------------------------------|---------------------------|---------------------------|
| Sean Taylor         | Hawaii LGBT Legal Association | Support                   | No                        |

Comments:

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 8:30:06 PM  
Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b>           | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|-------------------------------|---------------------------|---------------------------|
| amy agbayani        | Filipina Advocacy Network FAN | Support                   | No                        |

Comments:

I respectfully request you vote for 12139, hd.1.

Mahalo plenty. Amy Agbayani, Filipina Advocacy Network



92-954 Makakilo Dr. #71, Kapolei, HI 96707 Email: RainbowFamily808@gmail.com Ph: (808) 779-9078 Fax: (808) 672-6347

February 21, 2018

**LATE**

Honorable Representative Sylvia Luke, Chair Finance Committee  
and members  
Hawaii State Capitol  
[514 Beretania Street](#)  
[Honolulu, Hawaii 96813](#)

RE: Strong Support for HB 2139 HD1 – Protection for Students

Rainbow Family 808 strongly supports HB 2139, for the Protection of Students in the Name of Congresswoman Patsy Mink who spearheaded Title IX which changed the world for women's equality. Mink believed in equality on all issues and situations. HB 2139 is Hawaii's version of Title IX.

Our Aloha state reports that our keiki/students are precious and respected. Time's Up and harrasment needs correction to it's archic lack of respect for our students. Some students have been abused until they run away, harassed until they run away which stunts their Educational Career.

This year alone, one mother called me for advise to ensure that she was proceeding in the most advanteous manner after a male student had continued his harassment of her daughter. The daughter kept telling him to keep his hands off her and stop talking about what a great lover she was. At the point of the call, the school administration had said the 'boys will be boys' nonsense without addressing the situation of physical harassment and verbal abuse. The day of the call, the situation had escalated, her daughter after another assault (hit her buttocks as she walked down the hall), she turned around and decked him. Now the administration was going to suspend the daughter but the male was not going to be reprimanded at all.

The mother wanted at the least for both of them to be disciplined but not only her daughter. This reminds me of the current outcry from the political scene, Hollywood, sports, churches and the music scene where women have been harassed, physically assaulted, emotionally, and financially raped. This is all part of why HB 2139 is so important that it be passed now to reassure our students that Hawaii stands up for them as well as adults. HB 2139 is part of our culture that needs to change in the schools as well as in future workplaces.

Rainbow Family 808 requests that SB 2139 be passed now before more students are harassed, bullied that leads some students to lose interest in their educational career which affects them for a lifetime.

Thank you for the opportunity to provide our support for our students' Protection.

Sincerely,

Carolyn Martinez Golojuch  
President and Co-Founder  
Rainbow Family 808

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 8:43:36 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Lea Minton          | Individual          | Support                   | No                        |

Comments:

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 9:06:06 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| john hinkle         | Individual          | Support                   | No                        |

Comments:

I strongly support HB2139. Our youth deserve this. They must have your support.  
Mahalo!



**LATE**

February 21, 2018

To: Hawaii State House Committee on Finance  
Hearing Date/Time: Thursday, February 22, 2018 (12:30 pm)  
Place: Hawaii State Capitol, Rm. 308  
Re: Testimony in support of H.B. 2139 H.D. 1

Dear Representative Sylvia Luke (Chair), Representative Ty J.K. Cullen (Vice Chair), and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of H.B. 2139, H.D. 1** relating to discrimination in education, and the incorporation of national Title IX protections in Hawai‘i state law. Patsy T. Mink’s legacy is under threat outside the state, and given the tremendous progress made in tertiary-level educational policy in Hawai‘i, it should be protected here.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawai‘i, who list gender violence (including Title IX) as important current concerns. My testimony is informed by many years of teaching at the University of Hawai‘i – Mānoa, where my students have told me stories about discrimination, based on all the components in this bill (i.e., “sex, including gender identity or expression, or sexual orientation” [p. 3, lines 13-14]). At this point in time, with the increasing mainland attacks on civil rights, it is important to support minority groups under threat here with state-level action. Not only does this honor Patsy T. Mink’s legacy, but it also honors Native Hawaiian residents, since Hawai‘i was a region with a greater range of gender identities than those found in European nations at contact. While one might hope that 18<sup>th</sup>-century-type prejudice and discrimination would be eliminated by the year 2018, there are a wealth of studies indicating that such is not the case (e.g., Besnier & Alexeyeff [2014], Odo & Hawelu [2011], etc.), indicating the need for legal protections of the rights of all students in Hawai‘i.

For all these reasons, I argue that passage of H.B. 2139 H.D. 1 is important, with potential to improve the wellbeing of many residents of Hawai‘i.

Thank you for the opportunity to testify.

Sincerely  
*Susan J. Wurtzburg*  
Ph.D., Policy Chair

**LATE**

**HB-2139-HD-1**

Submitted on: 2/21/2018 9:28:50 PM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Debra Adams         | Individual          | Support                   | No                        |

Comments:

Discrimination will not be tolerated any longer. Treat all students with respect and dignity.



**LATE**

To: Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance  
From: Ashley Ancheta Galacgac  
Hearing: February 22, 2018, 12:30 p.m., Conference Room 308  
Re: TESTIMONY IN SUPPORT OF H.B. 2139– RELATING TO  
DISCRIMINATION IN EDUCATION

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance,

Thank you for the opportunity to testify in SUPPORT of H.B. 2139, which would enact a state version of Title IX by prohibiting discrimination on the basis of sex in educational programs and activities that receive state financial assistance.

I write to you as a graduate and current staff of the University of Hawai‘i (UH). I work with high school students from low-income backgrounds to increase the rate of high school graduation and participation in postsecondary education. I resonate with students I work with. As the daughter of immigrants and growing up in a working class single-parent household in Hawai‘i, I am informed by my own schooling experience and community resilience. I am committed to ensure that all students have access to higher education, so that opportunities for economic and social mobility are possible. The majority of students plan to attend college locally because not only is UH the best option financially, but also students want to pursue the great UH programs that they have learned about. Through UH campus tours, workshops, and enrichment programs, students are excited to become future UH students.

There are many positive reasons to attend college, however, setting up these high school students for success at UH means addressing the obstacles they will face. It is my responsibility to make students aware that statistics point towards additional barriers to their education. The recent University of Hawai‘i Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely.<sup>1</sup> In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.<sup>2</sup> Native Hawaiian, Filipina, and LGBTQ students are overly represented in experiencing gender-based violence while at UH. This campus climate makes it even more difficult for these underrepresented and marginalized groups to thrive. Providing the pathways to UH also mean ensuring a safe and supportive environment for students once they get to UH. H.B. 2139 ensures that each student is given the quality education in an environment free from the pervasive occurrence of gender-based violence. Only then may students have the chance to fully focus on their programs of study, to graduate with their degree, and to further contribute to their families and communities when they leave UH.

H.B. 2139 is urgently needed in light of the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has reversed the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation, and

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<sup>1</sup> Loui, P. “University of Hawai‘i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive  
<sup>2</sup> *Id.*

gender identity and expression. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

In conclusion, I SUPPORT H.B. 2139. Your support of H.B. 2139 serves as the commitment to the protection and well being of students. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,  
Ashley Ancheta Galacgac

**LATE**

**HB-2139-HD-1**

Submitted on: 2/22/2018 10:44:59 AM

Testimony for FIN on 2/22/2018 12:30:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| James Mateo         | Individual          | Support                   | No                        |

Comments:

I am testifying in strong support of HB2139.

Schools need to be a safe and inclusive place for all students

All children and youth deserve the right to participate fully in school-based academic, sports, and other educational activities and opportunities. No child should be discriminated against based on basis of sex, including gender identity or expression, or sexual orientation basis of sex, including gender identity or expression, or sexual orientation.

I would like to ask you to be fair and equitable to all students and have your yes vote on this measure

James Mateo