



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

LATE

Date: 01/31/2018
Time: 02:00 PM
Location: 309
Committee: House Education
House Higher Education

Department: Education

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

Title of Bill: HB 2139 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. Takes effect 1/1/2019.

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 it's 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 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 educational programs and educational programs or activities that receive state financial assistance. The Department is committed to Title IX of the Educational Amendments of 1972 and the tenants that it upholds.

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.

To: House Committee on Education and Higher education Chairs Woodson and McKelvey and Members
Subject: Testimony in **SUPPORT** of H.B. 2139 – Relating to Discrimination in Education
Date: January 31, 2018 (2:00 p.m. Rm 309)

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

It was 45 years ago, that the Federal law Title IX was enacted. The law was later to be named the Patsy Mink Equal Opportunity in Education Act after its late co-author and sponsor. It was a relatively simple sentence, less than 40 words, but what a historic impact:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

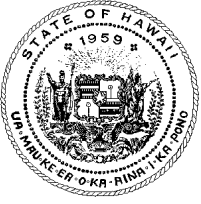
Not all students today are aware of the changes Title IX has made, but there have been many positive effects, expanding opportunities for women and girls in sports and academics. Girls can excel in school organized team sports, women are no longer the exception in professional fields like medicine or law. We need to look no further than Hawaii Supreme Court justice Sabrina McKenna who ‘After attending college on a basketball scholarship as an early beneficiary of Title IX, she has long championed breaking barriers for the development of fellow women leaders.’

Today, the State of Hawaii has the opportunity to make Patsy Mink’s law even stronger by enacting a State version of Title IX, using almost the exact the same wording. But in the intervening 45 years, we are now aware that women and girls aren’t the only ones affected by discrimination in education, so we can improve upon her law by including those other groups. This will make our protections stronger and allow Hawaii to be a leader in equality in education

I support this bill and urge you to pass this important legislation.

Sincerely,

Amy Monk
Commissioner, Hawaii State Commission on the Status of Women



HAWAI‘I CIVIL RIGHTS COMMISSION

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

January 31, 2018
Rm. 309, 2:00 p.m.

To: The Honorable Justin H. Woodson, Chair
Members of the House Committee on Education

The Honorable Angus L.K. McKelvey, Chair
Members of the House Committee on Higher Education

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

Re: H.B. No. 2139

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.

If enacted, H.B. No. 2139 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 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 and urges the Committee’s favorable consideration.

HB-2139

Submitted on: 1/31/2018 3:55:47 PM

Testimony for EDN on 1/31/2018 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON EDUCATION
AND
COMMITTEE ON HIGHER EDUCATION
HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Wednesday, January 31, 2018
2:00 p.m.**

Hawaii State Capitol, Conference Room 309

RE: Testimony in Support of HB 2139, RELATING TO DISCRIMINATION IN EDUCATION

To the Honorable Justin H. Woodson, Chair; the Honorable Sam Satoru Kong, Vice Chair, and Members of the Committee on Education:

To the Honorable Angus L.K. McKelvey, Chair; the Honorable Mark J. Hashem, Vice Chair, and Members of the Committee on Higher Education:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee (“OCC”) Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 2139 which prohibits Civil Rights violations and discriminatory practices based on sex, sexual orientation, gender identity, and gender expression in schools in the State of Hawaii. The OCC Legislative Priorities Committee is in favor of House Bill No.2139 and supports its passage.

House Bill No. 2139, is in accord with the Platform of the Democratic Party of Hawai’i (“DPH”), 2016, as it 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. Specifically, the DPH Platform states, “The inherent dignity and equal and inalienable rights of all human beings are the foundations of freedom, justice, and peace. We support affirmative action, the full implementation of the Civil Rights Acts of 1964 and 1990 and the Americans with Disabilities Act of 1990. . . . We support full equality and non-discrimination with respect to duties, benefits, and responsibilities regardless of actual or perceived sexual orientation, gender identity, and gender expression We support initiatives that enhance access and equity in education, employment, and business opportunities intended to lift families and individuals out of poverty and remove existing barriers to equal opportunity in our communities.

We need to ensure that our students are safe in our schools, free from bullying and discrimination, to include but not limited to, disability, gender bias, weight, ethnicity, sexual orientation gender identity, gender expression, and/or religion. We support policies in all our schools that protect, honor and address the needs of transgender and gender nonconforming students.” (Platform of the DPH, P. 3, Lines 158-161; P. 4, Lines 167-168, 189-191, P. 6, Lines 321-324 (2016)).

Given that House Bill No. 2139 prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program or activity, it is the position of the OCC Legislative Priorities Committee to support this measure.

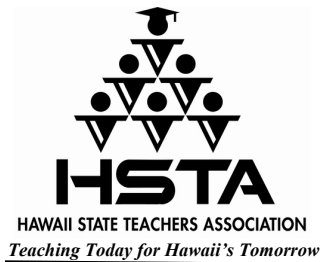
Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889



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

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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
EDUCATION

RE: HB 2139 - RELATING TO DISCRIMINATION IN EDUCATION

WEDNESDAY, JANUARY 31, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson and Members of the Committee:

The Hawaii State Teachers Association **supports HB 2139**, 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.

HB-2139

Submitted on: 1/31/2018 1:51:30 PM

Testimony for EDN on 1/31/2018 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine		Support	Yes

Comments:

Aloha Chair Woodson, Vice Chair Kong and Members of the Education Committee:

I am testifying in strong support of this bill as a volunteer board member and chairperson of the YWCA of Oahu's Advocacy Committee.

The YWCA of Oahu is the state's longest serving women led organization whose mission is to eliminate racism and support the economic advancement of women and girls. Our organization has supported the policies established under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et. seq.), introduced and championed by the late U.S Representative Patsty T. Mink, and have advocated for its implementation in our state. We support the policies proposed in this legislation to continue to promulgate protections against sexual discrimination, which affords protections against discrimination based on "sex" that included discrimination based on sexual orientation, and gender identity and expression.

For these reasons, I humbly ask your support for the state to continue to uphold these policies for the benefit of populations that may be vulnerable to adverse discrimination. Mahalo for your consideration



January 31, 2018

To: Representative Justin Woodson, Chair
Representative Sam Kong, Vice Chair and
Members of the Committee on Education

To: Representative Angus McKelvey, Chair
Representative Mark Hashem, Vice Chair and
Members of the Committee on Higher Education

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2139 Relating to Discrimination in Education
Hearing: Wednesday, January 31, 2018, 2:00 p.m., Room 309

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of HB 2139 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:¹

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

- 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;
- 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.



Hawaii Women's Coalition

COMMITTEE ON COMMITTEE ON EDUCATION
Rep. Justin H. Woodson, Chair
COMMITTEE ON HIGHER EDUCATION
Rep. Angus L.K. McKelvey, Chair

LATE

DATE: Wednesday, January 31, 2018
TIME: 2:00 PM
PLACE: Conference Room 309

STRONG SUPPORT FOR HB2139

Aloha Chairs Woodson, McKelvey and members,

The Coalition is in **strong support** of this bill as a critical step in preserving the hard-won rights guaranteed under Title IX or the Patsy T. Mink Act.

The Trump administration has demonstrated it's pervasive and pernicious misogyny in reversing 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.

What is most egregious is that 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. If you have doubts as to the pervasiveness of sex assault on campus we recommend you view "**The Hunting Ground**" now streaming on Amazon and Netflix:

Please note 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.** In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.

We also request that you amend the bill to include all state-funded programs and services as surely the current administration will take aim at women and the LGTBs across the board.

As a 2nd wave feminist who has spent the bulk of her life fighting to achieve equity and safety for women I fervently request that you take this step to protect Hawaii from the sickening onslaught against women that is fostered by the current climate of hate-filled politics sweeping our country.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition
Contact: annsfreed@gmail.com Phone: 808-623-5676

HB-2139

Submitted on: 1/30/2018 3:23:30 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Moniz	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

Aloha Chair Woodson, Chair McKelvey and Members of the House Committee on Education and Higher Education,

I'd like to offer our **STRONG SUPPORT** for HB2139 and create a State version of Title IX and protect funding and opportunities for women in educational programs throughout Hawaii. We are a State that honors women and girls and wants them to be successful in whatever they choose.

Thank you for your support.

Peace be the journey,
Stacey Moniz

HB-2139

Submitted on: 1/30/2018 3:07:06 PM

Testimony for EDN on 1/31/2018 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto		Support	No

Comments:

I am in strong support of 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.

Having served as a member of the Board of Education and as a commissioner on the Civil Rights Commission, I can attest to the importance of this bill. It will send a clear message to students who have been traditionally marginalized by inequality that they deserve the full breadth of educational services and opportunities. More importantly it will send clear direction to staff at all levels that everyone is responsible for ensuring equal opportunities are made available to all students.



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

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

House Committees on Education and Higher Education
January 31, 2018, 2:00 p.m., Conference Room 309

Dear Chair Woodson, Chair McKelvey, 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 13.¹ 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.² 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.³

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

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).



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

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

**House Committee on Education
Hon. Justin H. Woodson, Chair
Hon. Sam Satoru Kong, Vice Chair**

**Wednesday, January 31, 2018, 2:00 PM
State Capitol, Conference Room 309**

Honorable Chair Woodson 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, 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

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

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

January 2, 2018

To: Representative Justin Woodson, Chair
And members of the Committee on Education

Representative Angus McKelvey, Chair
And members of the Committee on Higher Education

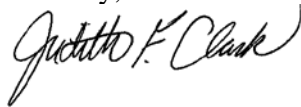
TESTIMONY IN SUPPORT OF HB 2139 RELATING TO DISCRIMINATION IN EDUCATION

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 2353 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



January 29, 2018

House's Committee on Education & Committee on Higher Education
Hawai'i State Capitol
415 South Beretania Street, Room 309
Honolulu, HI 96813

Hearing: Wednesday, January 31, 2018 – 2:00 p.m.

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

Aloha Chairpersons Woodson and McKelvey and fellow committee members,

I am writing in STRONG SUPPORT to House Bill 2139 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.

Thank you, Chair, Vice Chair and members of the committee, for your thoughtful consideration of HB 2139.

Mahalo nui loa,

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

HB-2139

Submitted on: 1/29/2018 6:31:54 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Kagiwada	Women's March Hawaii Island	Support	No

Comments:

The state of Hawaii should ensure that no student is discriminated against on the basis of sex, including gender identity or expression, or sexual orientation. My two children attend public intermediate and high schools in Hilo. There is no excuse for not passing this bill. Please do the right thing. Thank you

Aloha Chairs, Vice Chairs,

Honorable members of the House Committee on Education and House Committee on Higher Education. My name is Jun Shin and I am 18 years old. I am a freshman at the University of Hawaii at Manoa, and a board member at-large for Young Progressives Demanding Action – Hawaii. I am writing this bill in strong support of HB2139, relating to discrimination in education and due for a hearing on Wednesday January 31st, 2018 at 2:00 PM and ask it to be advanced through this committee.

As has been pointed out, Congresswoman Patsy Mink really changed the world with Title IX. Women were able to flip the script and take on the world as our lawyers, doctors, scientists, etc and lead to some great advancements, but the work started by Patsy Mink in combating discrimination is far from over and that is why I am really encouraged to see Patsy Mink's legacy being fought for and strengthened by members of the Hawaii state legislature in this era of #MeToo.

For me, this bill really hit home when I read through this bill and found that it would not only do what should have been done a long time ago for our keiki and put in stone, protecting minors who were victims of sexual harassment in a school setting and not just the employees, but it also strengthened and laid in stone for all to see, the protections of LGBTQIA+ students.

These bills strengthens the assurance that in Hawaii, these amazing kids can to the fullest extent, have the same opportunities in education as everyone else in public schools or other related institutions and activities. It also gives them teeth by outlining the legal tools that are accessible to take on sexual harassment without any barriers in their way.

The Department of Health's study in 2017 regarding Hawaii's Sexual and Gender Minority Health Report revealed that 43% of LGBTQIA+ youth were being bullied and were three times more likely to skip school because they felt unsafe (<http://health.hawaii.gov/surveillance/files/2017/05/HawaiiSexualandGenderMinorityHealthReport.pdf>). The change needs to happen now, marriage equality has been the law of the land for years now and the fact that this is still happening is unacceptable and so once again, thank you. I believe by updating Title IX, we will truly be one step closer to the equal world envisioned in this legislation and we will be able to impact the lives of our keiki in a transformative way.

Thank you for your hard work and deliberation on this issue,

Jun Shin,
Board Member At-Large
YPDA Hawaii
1561 Kanunu St. Honolulu, HI 96814
Cell: 8082556663
Email: junshinbusiness729@gmail.com



ACOG
The American College of
Obstetricians and Gynecologists

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

TO: Representative Justin H. Woodson, Chair – House Committee on Education
Representative Angus L.K. McKelvey, Chair – House Committee on Higher Education

DATE: Wednesday, January 31, 2018, 2:00PM
PLACE: Conference Room 309

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

**Statement of the Hawai'i Section of the American College of Obstetricians and Gynecologists
HB 2139: 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 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 350 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 a horrific 34% reporting that the offender was UH faculty or staff).¹ 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 are horrific statistics, 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.

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

Testimony in SUPPORT of HB2139
Hawaii State House Committees on Education and Higher Education
Wednesday Jan 31, 2018 | Conference Rm 309, 2:00pm
Tiffany Peek | tkhampha@hawaii.edu | Mililani, HI, 96789

Dear Chairs Woodson and McKelvey and Members of the Committees,

My name is Tiffany Peek, and I am currently a senior at the University of Hawai'i at Manoa and Vice President of Planned Parenthood Generation Action, a student led organization which aims to advocate for progressive policies at the UH Manoa campus. I am writing to you **in support of HB2139** and respectfully urge you to pass HB2139 in order to protect Hawai'i students from discrimination and sexual harassment and assault, especially in light of the Trump administration's plans to roll back these protections at the federal level.

Recently, the University of Hawai'i Climate Survey Report was published and made available to the public. It polled 44,671 adult students across ten UH campuses, further revealing 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. 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH. Furthermore, a significant number of students were either only a little knowledgeable or not at all knowledgeable of the reporting procedure as well as where to find resources in the event of sexual assault and harassment. This lack of knowledge in turn may have direct effects on the rate at which students are reporting incidents.

As a resident and student of Hawai'i, I have confidence that the state will work to hold its educators to the highest standards and not seek to undermine students' nor survivors' experiences, but rather promote a culture of respect, dignity, and fairness. HB2139 ensures safer learning environments for all students, a policy especially critical in a time when advocates are stepping forward in swell numbers to say no to rape culture and violence, as well as in a time when we are beginning to recognize the growing need for students to pursue careers non-traditional to their gender.

Recommended Amendments

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

Thank you for the opportunity to submit testimony for HB2139. Again, I support HB2139 and respectfully urge you to PASS this vital bill.

Sincerely,
Tiffany Peek

House Committee on Education
House Committee on Higher Education
January 31, 2018, 2:45 p.m., Conference Room 229

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

Dear Chair Woodson, Chair McKelvey, Vice Chair Kong, Vice Chair Hashem and Members of the Committees:

I would like to thank the Committee for the opportunity to testify in SUPPORT of HB 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.

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.¹ In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.²

Recommended Amendments

To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

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

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

² Id.

HB-2139

Submitted on: 1/30/2018 10:54:13 AM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Caron		Support	No

Comments:

YPDA Hawaii voices it's strong support for 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.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, MD

Councilmember
Carol Fukunaga

Senator
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: January 31, 2018

To: The Honorable Justin H. Woodson, Chair
The Honorable Sam Satoru Kong, Vice Chair
House Committee on Education

The Honorable Angus L.K. McKelvey, Chair
The Honorable Mark J. Hashem, Vice Chair
House Committee on Higher Education

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
Relating to Discrimination in Education

Good afternoon Chairs Woodson and McKelvey, Vice Chairs Kong and Hashem, and members of the House Committees on Education and on Higher Education:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 2139, which prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program or activity, or any other educational program or activity that receives state funding.

As noted in Section 1 of the bill, the intent of this measure is to extend the protections of the federal 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 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.

To: Hawaii State House Committees on Education and Higher Education
Hearing Date/Time: Wednesday, January 31, 2018, 2:00 pm.
Place: Hawaii State Capitol, Rm. 309
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 2139, relating to Discrimination in Education

Dear Chairs Woodson and McKelvey and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong 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.¹ In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.²

Recommended Amendments

It is now apparent that the Trump administration’s rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

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

Sincerely,

Laurie Field
Hawaii Legislative Director

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

² Id.



healthymothers
healthybabies

COALITION OF HAWAII

To: House Committees on Education and Higher Education
Place: State Capitol, Conference Room 309
Time/Date: January 31, 2018, 2:00 p.m
Re: TESTIMONY IN SUPPORT OF H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

Dear Chair Woodson, Chair McKelvey, 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.

Healthy Mothers Healthy Babies Coalition of Hawaii believes that the foundation to a fair and prosperous society begins with offering equal opportunities to women and girls. H.B. 2139 is urgently needed in light of the current federal administration's overt and concerted effort to dismantle federal anti-discrimination laws, including:

- The reversal of the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation, gender identity and expression.
- Rescinded protections for transgendered students.
- Rescinded 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.

To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you also please extend this bill to cover all state-funded programs and services.

We stand in SUPPORT of H.B. 2139 and respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

Lisa Kimura
Executive Director
Healthy Mothers Healthy Babies Coalition of Hawaii

Healthy Mothers Healthy Babies Coalition of Hawaii | Phone: 808.737.5805

245 N. Kukui St. #102A, Honolulu, HI 96817 | WWW.HMHB-HAWAII.ORG

HB-2139

Submitted on: 1/29/2018 2:55:13 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	No

Comments:

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

September 29, 2018

The Honorable Justin H. Woodson, Chair
and Members
Committee on Education

The Honorable Angus L.K. McKelvey, Chair
and Members
Committee on Higher Education
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

HB-2139

Submitted on: 1/29/2018 3:16:21 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl		Support	No

Comments:

Thank you for taking this action for the people of Hawai'i. It is important that ALL people are protected by our laws. There are some who may not think this is necessary but we know that even here we have cases, like Kamehameha that happen(d). It is my understanding that one of the reasons the Title IX law was changed at the Federal level was because of the Michigan State Case which Betsy DeVos was very aware. Whether this is the case or not, it is our kuleana to take care and make sure that every person is protected in every position any where on our islands. No discrimination. Again, supporting this bill for all people.

HB-2139

Submitted on: 1/29/2018 4:41:46 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay		Support	No

Comments:

HB-2139

Submitted on: 1/29/2018 5:26:24 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Onderko		Support	No

Comments:

HB-2139

Submitted on: 1/29/2018 5:58:07 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Fisher		Support	No

Comments:

I strongly support HB2139. It's about time the protections against sexual harassment are extended to harassment on the basis of sexual orientation and gender identity, and it's about time educational institutions should feel the consequences of not protecting students in their programs from sexual harassment. The consequences of being harassed can be devastating, leading to emotional scarring in adulthood and sometimes even to suicide by the harassed student.

Joy Fisher

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

Submitted on: 1/29/2018 7:09:03 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
August Harrington		Support	No

Comments:

HB-2139

Submitted on: 1/29/2018 7:31:17 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Onderko		Support	No

Comments:

Aloha,

I strongly support HB 2139 which 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. (Hawaii's version of Title IX)

Anything less than a full measured passaged of this bill is unacceptable.

Mahalo,

Richard Onderko

Ewa Beach

HB-2139

Submitted on: 1/29/2018 7:58:10 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg		Support	No

Comments:

HB-2139

Submitted on: 1/29/2018 8:02:21 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cu Ri Lee		Support	No

Comments:

TESTIMONY IN SUPPORT OF

H.B. 2139 – RELATING TO DISCRIMINATION IN EDUCATION

House Committee on Education

AND

House Committee on Higher Education

January 31, 2018, 2:00 p.m., Conference Room 309

Dear Chair McKelvey, Chair Woodson, Vice Chair Hashem, Vice Chair Kong, and Members of the Committees on Education and Higher Education:

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.

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.

Recommended Amendments

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

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

Sincerely,

Cu Ri Lee

HB-2139

Submitted on: 1/29/2018 8:53:31 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucy Miller		Support	No

Comments:

HB-2139

Submitted on: 1/29/2018 9:39:58 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	NONE	Support	Yes

Comments:

Dear Chair Woodson, Chair McKelvey, and Members of the EDN and HED Committees,

I would like to thank the Committees 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:[\[1\]](#)

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. The math does not add up;[\[2\]](#)

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.

[1] Hill, C., "Crossing the Line: Sexual Harassment at School," Nov. 2011.

[2] Yuen, P., "Three-Fourths of Schools Report Zero Incidents of Sexual Harassment in Grades 7-12," Oct. 24, 2017.

HB-2139

Submitted on: 1/30/2018 6:31:48 AM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede		Support	No

Comments:

HB-2139

Submitted on: 1/30/2018 8:18:03 AM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Logue	Veteran	Support	No

Comments:

I urge the committee to please support this bill and protect the students of Hawaii from being discriminated against. It is our responsibility to provide safe learning environments where all students are given the opportunities and environments to thrive.

January 30, 2018

To: Rep. Justin H. Woodson, Chair
Rep. Sam Satoru Kong, Vice Chair
And members of the House of Representative Committee on Education

RE: HB 2139, Relating to Discrimination in Education – SUPPORT

Hearing Date and Time: January 31, 2018 at 2:00 pm

Hearing Room: Conference Room 309

Chair, Vice-Chair, and members of the House of Representatives Committee on Education, I am testifying in support of HB 2139.

My name is Nicole Woolsey. I am a student in the Myron B. Thompson School of Social Work at the University of Hawaii at Manoa. This is my second time testifying.

As a social work student, I have learned about equality, human rights and oppression. I have learned about the effects of each and I've learned about ways in which social work can help to improve current situations. In the field, I've been able to work with people from all different walks of life and I've been able to walk beside them in their journeys. I've been taught to treat each person with the same level of respect and compassion. I have been taught to care for those I work with and protect them as best as possible.

I stand in strong support of this bill to do just that. Children should not be victim to discrimination of any sort, especially in settings that they are supposed to be nurtured and cared for. Children should feel safe and protected in school or school activity and should not be left vulnerable to the law. Children deserve to know and feel that they have rights and are entitled to assistance when they need it. Discrimination on any bases should not be acceptable towards anyone regardless of age.

Again, I stand in support of this bill.

Thank you for the opportunity to testify.

Sincerely,

Nicole Woolsey

woolsey2@hawaii.edu

HB-2139

Submitted on: 1/30/2018 9:38:48 AM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Piikea Kalakau		Support	No

Comments:

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.

Recommended Amendments:

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you 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,

Piikea Kalakau

HB-2139

Submitted on: 1/30/2018 11:46:02 AM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen L Tschudi		Support	No

Comments:

Members of the Hawai'i State Legislature Committees on Education & Higher Education

January 31, 2018, 2:00 p.m., State Capitol room 309

In re: HB 2139

Testimony in STRONG SUPPORT

30 January 2018

Esteemed Members of the Committee:

We urge you to support strong protections for those whose sexual orientation and gender identity fall outside the mainstream. The marginalized status of such individuals legitimizes the emotional and physical violence our society wreaks on gays, lesbians, bisexuals, and transgendered people -- behavior all too easily emulated and perpetrated by school-age peers. Most members of these marginalized groups have suffered this violence repeatedly in their lives, ranging from small indignities such as having to calculate whether it is "worth it" to be out at work or school, to the physical harm of being gay-bashed. We are talking here about our own lives and experience; we ourselves have suffered physical assault for being perceived as gay.

For those who decry this step as "special rights" or "condoning immoral behavior," we say: peace. Our great Constitution allows you to believe as you please, but you are not free to abridge our rights and freedoms. Today we are standing up for our rights and asserting the truth of the legitimacy and dignity of our life-partner relationship. We justly demand our place in this polity of which we

are full -- not second-class -- members.

Esteemed Committee members, support this bill and let Hawaii stand as a beacon of human rights and justice to the nation and the world.

Your constituents,

Stephen and Daniel Tschudi

Palolo Valley

HB-2139

Submitted on: 1/30/2018 12:07:58 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lana Olson		Support	No

Comments:

To: Committee on Education

Rep. Justin Woodson, Chair

Rep. Sam Soturo Kong, Vice Chair

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139/S.B. 2353, 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.

Unfortunately we cannot rely on the good nature of people in positions of power, however small, to be unbiased in their decision making processes and actions. I, as well as countless other women and including some of our legislators, have come forward to share their stories of sexual discrimination, harassment, and assault over the last few months. Stories that would have been shared only in whispers for very real fears of retaliation on multiple levels. While we can't be in every room to prevent such violations, we can enforce protection on a policy level. We can make it safer for women to come forward and be treated with the dignity and respect that they did not receive from the violating party, but should receive from those responsible for safety, in an official capacity.

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.

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure

that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

Accordingly, I SUPPORT H.B. 2139/S.B. 2353. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Lana Olson, Princeville, HI

808.639.8488

HB-2139

Submitted on: 1/30/2018 12:39:12 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen		Support	No

Comments:

I support H.B. 2139/S.B. 2353, which enacts 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 important given the current federal administration's efforts 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.

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

I strongly support H.B. 2139/S.B. 2353. Please pass this important bill from your committee. Thank you for the opportunity to provide testimony.

HB-2139

Submitted on: 1/30/2018 1:59:25 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Kay		Support	No

Comments:

I am in strong support of HB2139. I do not want any taxpayer dollars going to any institution which discriminates on the basis of sex, including gender identity or expression, or sexual orientation.

HB-2139

Submitted on: 1/30/2018 3:19:46 PM

Testimony for EDN on 1/31/2018 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Chou		Support	No

Comments:

TESTIMONY IN SUPPORT OF

HB2139 – RELATING TO DISCRIMINATION IN EDUCATION

Senate Committee on Education

January 31, 2018, 2:00 p.m., Conference Room 309

Dear Chair Kidani, Vice-Chair Kahele, and Members of the Committee:

I would like to thank the Committee for the opportunity to testify in SUPPORT of HB2139, 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.

HB2139 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.

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.

Recommended Amendments

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

Accordingly, I SUPPORT HB2139. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

Crystal Kionia

From: Tim <iamtimzhu@gmail.com>
Sent: Tuesday, January 30, 2018 1:16 PM
To: EDNtestimony
Subject: In support of HB2139



LATE

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.

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you 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,
Tim Zhu

Crystal Kionia

From: michael inouye <banzaimike@gmail.com>
Sent: Tuesday, January 30, 2018 2:20 PM
To: EDNtestimony
Subject: I support HB 2139 and SB 2353

LATE

"I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2139/S.B. 2353, 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.

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

Accordingly, I SUPPORT H.B. 2139/S.B. 2353. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony."

Thanks,
Mikey

Michael Inouye
Banzai Media, LLC
Director/Writer/Producer
808.225.8582



LATE

January 30, 2018

To: Hawaii State House Committee on Education, and Committee on Higher Education
Hearing Date/Time: Wednesday, January 31, 2018 (2:00 pm)
Place: Hawaii State Capitol, Rm. 309
Re: Testimony in support of HB2139

Dear Representative Justin H. Woodson (Chair), Representative Sam Satoru Kong (Vice Chair), Representative Angus K. McKelvey (Chair), Representative Mark J. Hashem (Vice Chair) and Members of the Committees,

I am grateful for this opportunity to testify in **strong support of H.B. 2139**, 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 18th-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 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



Committee: Joint Committee on Education and Higher Education
Hearing Date/Time: Wednesday, January 31, 2018, 2:00 p.m.
Place: Conference Room 309
Re: Testimony of the ACLU of Hawai'i in **Support H.B. 2139**,
Relating to Discrimination in Education

Dear Chairs Woodson and McKelvey, and Committee Members:


The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **strong support** of H.B. 2139, 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 enactment in 1972, Title IX has made a difference in young people's lives. With its impact on women's sports, the legislation started a revolution on the nation's playing field, leading to a 90 percent increase in participation by young women. It was also an integral tool in fighting gender discrimination requiring that all students, regardless of sex, have access to equal educational opportunities.

Title IX also helps protect students from gender-based violence and harassment. It requires schools to have a policy that prohibits sexual harassment by both staff and students. The prohibition on gender-based violence and harassment includes not only sexual harassment, but also rape, sexual assault, and bullying or harassment based on stereotypes about how boys and girls ought to look or behave.

With the U.S. Department of Education's recent rescission of Title IX guidance related to sexual harassment and the Trump administration's reversal of the federal government's previous interpretation of the prohibition against discrimination based on "sex," which included discrimination based on sexual orientation and gender identity and expression, adopting a state corollary to Title IX in Hawai'i state law is vital. Further erosions in Title IX eliminate civil rights protections for our keiki, leaving them vulnerable to discrimination.

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
P.O. Box 3410
Honolulu, Hawai'i 96801
T: (808) 522-5900
F: (808) 522-5909
E: office@acluhawaii.org
www.acluhawaii.org

HB-2139

Submitted on: 1/30/2018 7:14:05 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Ching		Support	No

Comments:

LATE

HB-2139

Submitted on: 1/30/2018 8:50:25 PM
Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jina Rabago		Support	No

Comments:

HB-2139

Submitted on: 1/30/2018 8:52:09 PM

Testimony for EDN on 1/31/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois J Young	Ms.	Oppose	No

Comments:

Dear Committe Members,

I strongly oppose HB2139 and urge you not to support or pass this bill.

With the break up of families our young people do not need another crisis in their life but more guidance in making wise choices. I believe when we follow the science of male and female. Proper guidance in their identy will raise healthy minded adults who will contribute to the economic survival of Hawaii.

I urge you to oppose HB2139

Sincerely,

Lois Young

January 30, 2018

To: Representative Woodson, Chair
Representative Kong, Vice Chair
Committee on Education

Representative McKelvey, Chair
Representative Hashem, Vice Chair
Committee on Higher Education

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

Re: **H.B. 2139— Relating to Discrimination in Education**
Hawaii State Capitol, Room 309, January 31, 2018, 2:00 PM

On behalf of Hawaii Children's Action Network (HCAN), we are writing in STRONG SUPPORT of H.B. 2139 – 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.

LATE

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

House Committee on Education and House Committee on Higher Education

January 31, 2018, 2:00 p.m.,
Hawai'i State Capitol
415 South Beretania Street
Conference Room 309
Honolulu, HI 96813

Dear Chairs Woodson and McKelvey, Vice-Chair Kong and Hashem, and Members of the Committee:

We, the undersigned students of the William S. Richardson School of Law, would like to thank the Committee for the opportunity to testify in **SUPPORT WITH AMENDMENTS** 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 prohibited the right to appeal findings, forces complainants to work out the problem directly with the alleged perpetrator without a mediator, and eliminates the 60-day time frame, allowing the cases and emotional distress of parties to drag on for months. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. This bill reflects the ever-growing state interest in stepping in and filling the enforcement gap with procedures that are fair and so that survivors feel safe coming forward since the Trump Administration has decided to walk away from its responsibility in enforcing civil rights.

In addition, United States' Department of Education (DOE) 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, targeting women,¹ girls, indigenous² and LGBT individuals,³ some of our most

¹ See *Statistics About Sexual Violence*, NATIONAL SEXUAL VIOLENCE RESOURCE CENTER, https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf (last visited Jan. 29, 2018).

² ANDRE B. ROSAY, VIOLENCE AGAINST AMERICAN INDIAN AND ALASKA NATIVE WOMEN AND MEN 2010 FINDINGS FROM THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY

underrepresented groups.

Title IX helps hold perpetrators of gender-based violence accountable without involving the police or incarceration and highlights how gender-based violence intersects with racism, xenophobia, transphobia and other forms of oppression. The appeal of Title IX to many students, especially during President Trump’s pro-policing reign, is the burden of proof — preponderance of the evidence — is attainable and the punishment for committing acts of violence centered on safety (no-contact directives, removal from campus grounds, counseling). Title IX also mandates schools provide accommodations for survivors of violence, such as psychological and academic support often inaccessible to students from a lower socio-economic status. The system Title IX aims to create —focused on violence prevention and healing — has the potential to address the needs of marginalized survivors and promote justice.

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. 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.⁴ In addition, 1 in 16 UH survey

43-44 (2016). Over 2,000 women surveyed, 84 percent of Native American and Alaskan Native women have experienced violence, 56 percent have experienced sexual violence, and over 90 percent have experienced violence at the hands of a non-tribal member. Most women reported they were concerned for their safety, and around half said they had experienced physical violence like pushing, shoving, or being beaten. Over 60 percent had experienced psychological aggression or coercive control. Experts say these record numbers still underestimate the number of women affected by violence, and the infrastructure for women to report and handle incidents is underfunded.

³ LGBTQIA+ individuals face higher rates of poverty, stigma, and marginalization, which put them at greater risk for sexual assault. They also face higher rates of hate-motivated violence, which can often take the form of sexual assault. Moreover, the ways in which society both hypersexualizes LGBTQ people and stigmatizes their relationships can lead to intimate partner violence that stems from internalized homophobia and shame. For LGBTQIA+ survivors of sexual assault, their identities – and the discrimination they face surrounding those identities – often make them hesitant to seek help from police, hospitals, shelters or rape crisis centers, the very resources that are supposed to help them. 44 percent of lesbians and 61 percent of bisexual women experience rape, physical violence, or stalking by an intimate partner, compared to 35 percent of heterosexual women. 26 percent of gay men and 37 percent of bisexual men experience rape, physical violence, or stalking by an intimate partner, compared to 29 percent of heterosexual men. The 2015 U.S. Transgender Survey found that 47% of transgender people are sexually assaulted at some point in their lifetime.

⁴ LOUI, P. UNIVERSITY OF HAWAI‘I STUDENT CAMPUS CLIMATE SURVEY ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE: EXECUTIVE SUMMARY SEPT. 11, 2017.

participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.⁵

The bill's provision that allows for the Hawai'i Civil Rights Commission to exercise its rulemaking authority allows for survivors of sexual violence to explore more enforcement procedures and remedies aside from the Title IX investigation done at schools and criminal investigations. These civil law remedies may be preferable in some circumstances. Some advantages of civil litigation include empowering victims (whereas in criminal cases, the victim is only a witness in the recovery); recovery of monetary damages for the harm inflicted on victims, validating both the victim's experiences and holding perpetrators accountable for their actions; enhancing safety and security practices to promote corporate responsibility; and heightening awareness behind sexual violence. The expansion of alternatives also provides the opportunity to lessen the burden on our courts and allows for reparations for those who suffered from sexual violence to begin to heal.

Recommended Amendments

It is now apparent that the Trump administration's rollbacks on the enforcement of federal regulations prohibiting sex discrimination extend beyond education. To ensure that no state agency be allowed to discriminate on the basis of sex, we request that you extend this bill to cover all state funded programs and services.

In supporting H.B. 2139, the State takes important steps forward in the conversation around sexual violence from one of compliance to one of overhauling and changing the culture to work toward the elimination of sexual violence on school campus. If we are going to have a holistic program to address this imminent issue, compliance and guidance has to be a part of it, but it cannot be the sole centerpiece of this movement.

Accordingly, we **SUPPORT** H.B. 2139, and respectfully urge your Committees to **PASS** this important bill. Thank you for the opportunity to provide testimony.

Sincerely,

Chad Au, J.D. Candidate, William S. Richardson School of Law
Taylor Brack, J.D. Candidate, William S. Richardson School of Law
Tara Buckley, J.D. Candidate, William S. Richardson School of Law
Norman Capinpin, J.D. Candidate, William S. Richardson School of Law
Andres Y. Gonzalez, J.D. Candidate, William S. Richardson School of Law
Kaitlyn Marie Harumi Iwashita, J.D. Candidate, William S. Richardson School of Law
Jenifer Jenkins, J.D. Candidate, William S. Richardson School of Law
Katya Katano, J.D. Candidate, William S. Richardson School of Law
Alyssa-Marie Yukiko Hulali Kau, J.D. Candidate, William S. Richardson School of Law
Kaitlyn Kawehilani Mark, J.D. Candidate, William S. Richardson School of Law
Natalie Moreland, J.D. Candidate, William S. Richardson School of Law
Miranda Carol Steed, J.D. Candidate, William S. Richardson School of Law

⁵ Id.

Jill Uehara, J.D. Candidate, William S. Richardson School of Law
Sarah Williams, J.D. Candidate, William S. Richardson School of Law

Lawyers Against Sexual Violence, William S. Richardson School of Law



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

January 30, 2018

Honorable Representative Justin Woodson, Chair Education
and Honorable Representative Kong and members
Honorable Representative Angus McKelvey, Chair Higher Education
And Honorable Representative Mark Hashem
Hawaii State Capitol
[514 Beretania Street](#)
[Honolulu, Hawaii 96813](#)

LATE

RE: Strong Support for HB 2139 – 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 harassmtent 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 harassmtent 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



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

January 30, 2018

Honorable Representative Justin Woodson, Chair Education
and Honorable Representative Kong and members
Honorable Representative Angus McKelvey, Chair Higher Education
And Honorable Representative Mark Hashem
Hawaii State Capitol
[514 Beretania Street](#)
[Honolulu, Hawaii 96813](#)

LATE

RE: Strong Support for HB 2139 – Protection for Students

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Carolyn Martinez Golojuch
President and Co-Founder
Rainbow Family 808

HB-2139

Submitted on: 1/31/2018 10:40:49 AM

Testimony for EDN on 1/31/2018 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen McKee		Support	No

Comments:

I strongly support HB2139. No student should be discriminated against on the basis of sex, including gender identity or sexual orientation.

Mahalo for your support on this matter.

Eileen McKee