



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

**Date:** 04/16/2018  
**Time:** 02:45 PM  
**Location:** 312  
**Committee:** Senate Education

**Department:** Education

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

**Title of Resolution:** HCR 198 REQUESTING THAT THE HAWAII STATE DEPARTMENT OF EDUCATION REPORT TO THE LEGISLATURE ON ITS COMPLIANCE WITH THE PATSY MINK EQUAL OPPORTUNITY IN EDUCATION ACT AND THE RESOLUTION AGREEMENT BETWEEN THE HAWAII STATE DEPARTMENT OF EDUCATION AND THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS DATED DECEMBER 20, 2017.

**Purpose of  
Resolution:**

**Department's Position:**

The Department of Education (Department) strongly supports HCR 198/HR169 which requests the Department to provide annual reports to the Legislature on actions taken to comply with the Patsy T. Mink Equal Opportunity in Education Act (Title IX).

The Department is deeply committed to Title IX and the tenets that it upholds. The Department will oversee the schools in their efforts to comply with Title IX, including equitable use of athletic facilities and resources, as well as making sure that the terms contained in the Resolution Agreement with the United States Department of Education, Office for Civil Rights (US DOE OCR) are met.

The Department appreciates and understands the Legislature's difficult job of balancing the needs of all State Departments to comply with federal requirements. It is extremely helpful that this resolution provides the Department with the concerns of the Legislature that the Department will address in its report. The Department looks forward to working with the Legislature in determining the funding needs of the Department to come into compliance with Title IX.

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

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan

which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA  
CYD HOFFELD  
MARILYN LEE  
JUDY KERN  
AMY MONK  
LISA ELLEN SMITH

Executive Director  
Khara Jabola-Carolus

Email: [kjabola-carolus@dhs.hawaii.gov](mailto:kjabola-carolus@dhs.hawaii.gov)

235 S. Beretania #407  
Honolulu, HI 96813  
Phone: 808-586-5758  
FAX: 808-586-5756

April 16, 2018

To: Sen. Kidani, Chair  
Sen. Kahele, Vice Chair  
Honorable Members of the S. Committee on Education

From: Khara Jabola-Carolus  
Executive Director  
Hawaii'i State Commission on the Status of Women

Re: Testimony in Support, HCR 198

Thank you for this opportunity to testify in strong support of HCR198, which requests that the Hawaii'i State Department of Education provide an annual report to the Legislature on its compliance with Title IX, renamed the "Patsy Takemoto Mink Equal Opportunity in Education Act," the federal law that prohibits discrimination on the basis of sex in the administration of any education program receiving federal financial assistance. Additionally, Title IX aims to prevent sexual harassment, sexual assault, discrimination against pregnant and parenting students, and the use of stereotypes, while attempting to eliminate other barriers that may prevent a person's access to a particular field of study or career.

This law has been in place for over 45 years, yet hundreds of departments of education have been investigated for Title IX compliance, including our own. Federal review recently revealed that our DOE is falling short on compliance. While DOE has taken proactive steps to fulfill its obligation under Title IX through systemic changes to procedures and organization structure, full compliance is not "just around the river bend."

Our community deserves a more transparent process to ensure Hawaii'i's education programs receiving federal financial assistance are not perpetuating sex discrimination. Title IX has been instrumental in increasing educational opportunities for women and girls and fostering educational equality between men and women. Increased opportunity starts from a young age, and all young men and women should know they deserve an education free from hostility or discrimination. The Commission therefore supports HCR198 and urges the Committee to pass this important measure.

Sincerely,

Khara Jabola-Carolus

**HCR-198**

Submitted on: 4/15/2018 1:06:52 AM

Testimony for EDU on 4/16/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Michelle N. Kidani, Chair; the Honorable Kaiali'i Kahele, Vice-Chair, and Members of the Committee on Education:

Good afternoon. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HCR198** requesting the Information Technology Steering Committee to develop the State Information Technology Strategic Plan to include data goals and objectives.

The OCC on Legislative Priorities is in favor of **HCR198** and supports its adoption.

**HCR198** is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requests the Department of Education to provide a report to the Legislature detailing its actions to comply with Title IX; and that the report to the Legislature include, but not be limited to, documentation of: (1) All actions taken by the Department of Education to comply with Title IX pursuant to the Resolution Agreement; (2) All actions taken by the Department of Education to comply with Title IX with regard to all athletic facilities, including but not limited to fields, locker rooms, and transportation; and (3) All requests for appropriations, positions, and any proposed legislation to comply with the requirements of Title IX.

The DPH Platform states that "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." (Platform of the DPH, P3, Lines 159-161 (2016)).

We support full equality and nondiscrimination with respect to duties, benefits and responsibilities regardless of actual or perceived sexual orientation, gender identity and gender expression.(Platform of the DPH, P4, Lines 167-168 (2016)).

We believe that all families should have an equal opportunity to build their assets and become self-sufficient; and we support a strong safety net of programs that will afford them the opportunity to do so. 1We must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive. (Platform of the DPH, P4, Lines 184-191 (2016)).

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. (Platform of the DPH, P4, Lines 321-323 (2016)).

Given that **HCR198** requests the Department of Education to provide a report to the Legislature detailing its actions to comply with Title IX; and that the report to the Legislature include, but not be limited to, documentation of: (1) All actions taken by the Department of Education to comply with Title IX pursuant to the Resolution Agreement; (2) All actions taken by the Department of Education to comply with Title IX with regard to all athletic facilities, including but not limited to fields, locker rooms, and transportation; and (3) All requests for appropriations, positions, and any proposed legislation to comply with the requirements of Title IX, it is the position of the OCC on Legislative Priorities to support its adoption.

Thank you very much for your kind consideration.  
Sincerely yours, '

/s/ Melodie Aduja  
Melodie Aduja, Chair, OCC on Legislative Priorities  
Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889



Committee: Senate Committee on Education  
Hearing Date/Time: Monday, April 16, 2018, 2:45 p.m.  
Place: Conference Room 312  
Re: Testimony of the ACLU of Hawai'i in support of H.C.R. 198,  
Requesting Title IX Compliance Report from the Department of Education

Dear Chair Kidani, Vice Chair Kahele, and Committee Members:

The American Civil Liberties Union of Hawai'i ("**ACLU of Hawai'i**") writes **in support of H.C.R. 198**, which requests that the Hawai'i Department of Education ("**DOE**") provide an annual report to the Legislature, Governor, Board of Education, and Superintendent of Education describing DOE's actions to comply with Title IX. The report would include documentation of (1) all actions taken to comply with the December 20, 2017, resolution agreement between DOE and the U.S. Department of Education, Office of Civil Rights ("OCR"), (2) all actions taken to comply with Title IX with regard to all athletic facilities, including fields, locker rooms, and transportation, and (3) all requests for appropriations, positions, and any proposed legislation to comply with Title IX.

On February 9, 2018, after the Honolulu Civil Beat reported that many of DOE's high schools do not have separate athletic locker facilities for girls—even though those same schools have such facilities for boys—the ACLU of Hawai'i sent a letter to DOE demanding immediate action both to cease this discrimination and to rectify existing gender inequities in Hawai'i schools. Specifically, the ACLU of Hawai'i demanded that, by March 12, 2018, the DOE respond to the letter with a plan to concretely address the glaring inequality between girls' and boys' athletic facilities in DOE schools. On March 12, 2018, we received the attached letter from DOE, which unfortunately does not lay out any such plan. The ACLU of Hawai'i continues to be in conversations with DOE with the aim of promptly reaching a resolution that helps achieve permanent gender equity in Hawai'i schools.

This is not the first time that DOE has faced allegations of Title IX violations. In 2010, the ACLU of Hawai'i sued the DOE and the County of Maui on behalf of three female students who were enrolled in DOE schools and wished to participate fully in the DOE's softball program. The lawsuit alleged, among other things, that athletes in Baldwin High School "are being and have been denied equal and adequate access to athletic facilities made available" to "male student athletes," and that such denial was "because of their gender." In that lawsuit, U.S. District Court Judge David Ezra, in an extraordinary move, ruled directly from the bench, noting "without reservation" that there was a "large disparity" in the boys' and girls' athletic facilities at Baldwin High, and that the current treatment of the Baldwin High School girls softball team was a "very clear" violation "on its face" of Title IX and the Fourteenth Amendment to the U.S. Constitution. Based on recent developments, including Honolulu Civil Beat's article, DOE's resolution agreement with OCR, the ACLU's interviews of students and parents, and DOE's March 12, 2018, response letter, it is clear that gender inequity in Hawai'i schools runs deep and the gap is far from being closed.

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](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

April 16, 2018  
H.C.R. 198  
Page 2 of 2

Consequently, the ACLU of Hawai'i supports H.C.R. 198, which would bring additional transparency and oversight over DOE's Title IX compliance efforts. We hope, however, that the Legislature will not stop at a resolution, but will also take any and all necessary steps, including making appropriations, to bring Hawai'i schools into compliance with the Patsy T. Mink Equal Opportunity in Education Act, finally, 45 years after its passage.

Thank you for the opportunity to testify.

Sincerely,



Matso 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 over 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](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

**HCR-198**

Submitted on: 4/13/2018 5:15:18 PM

Testimony for EDU on 4/16/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
	Testifying for Domestic Violence Action Center	Support	No

Comments:



**HCR-198**

Submitted on: 4/16/2018 9:19:49 AM

Testimony for EDU on 4/16/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Algire	Testifying for YWCA O'ahu	Support	No

Comments:

**HCR-198**

Submitted on: 4/13/2018 5:09:04 PM

Testimony for EDU on 4/16/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

**HCR-198**

Submitted on: 4/13/2018 3:49:40 PM

Testimony for EDU on 4/16/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Lauren Carter  
1050 Maunawili Road  
Kailua, Hi 96734  
April 14, 2018

Senate Committee on Education  
Re: HCR 198

Dear Senate Committee on Education :

I am writing to express my full support for HCR 198. I believe in Title IX and the equality it represents.

I understand that Hawaii is in violation of Title IX as many public high schools do not have separate athletic locker facilities for girls, but the boys do.

I am born and raised on Oahu and attended our public schools. Having played soccer on the varsity girls soccer team, I understand firsthand how important it is for girls and boys to have equal opportunities and facilities in our schools. Without the opportunity to play soccer I may not have graduated high school, which may have led me down a very different path.

I urge you to move forward with this resolution that will require the Department of Education to make various reports to United States Department of Education Office for Civil Rights, reporting all actions being taken to come into compliance with Title IX throughout the state of Hawaii.

I thank you for your time and consideration and convey my appreciation of our legislative process and all who make it possible.

Sincerely,

Lauren Carter

**HCR-198**

Submitted on: 4/13/2018 3:43:26 PM

Testimony for EDU on 4/16/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments: