



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

Date: 01/31/2018
Time: 02:45 PM
Location: 229
Committee: Senate Education

Department: Education

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

Title of Bill: SB 2353 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 its federal counterpart, the Equal Employment Opportunity Commission, pertain only to issues of employment discrimination. In contrast, allegations filed by students may be investigated by the Department and/or filed with the United States Office for Civil Rights.

However, 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.

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

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

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

FOR: SB 2353 Relating to Discrimination in Education
DATE: January 31, 2018
TIME: 2:45 P.M.
COMMITTEE: Committee on Education
ROOM: Room 229
FROM: Sione Thompson, Executive Director
State Public Charter School Commission

Chair Kidani, Vice Chair Kahele, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in **SUPPORT of SB 2353**, which provides a state corollary to Title IX that prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program.

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

Thank you for the opportunity to provide this testimony.

January 30, 2018

To: Senator Kidani, Chair
Senator Kahele, Vice Chair
Committee on Education

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

Re: **S.B. 2353– Relating to Discrimination in Education**
Hawaii State Capitol, Room 229, January 31, 2018, 2:45 PM

On behalf of Hawaii Children's Action Network (HCAN), we are writing in STRONG SUPPORT of S.B. 2353 – Relating to Discrimination in Education.

S.B. 2353 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. S.B. 2353 would help guarantee that regardless of federal action, Hawaii's students remain protected.

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

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

SB-2353

Submitted on: 1/30/2018 3:31:51 PM

Testimony for EDU on 1/31/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Moniz	Hawaii State Coalition Against Domestic Violence	Support	Yes

Comments:

The Hawaii State Coalition Against Domestic Violence strongly supports SB2353 which creates a state level of protection against discrimination of women and girls. We thank you for your support, as well.



Hawaii Women's Coalition

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

DATE: Wednesday, January 31, 2018

TIME: 2:45 p.m.

PLACE: Conference Room 229

STRONG SUPPORT FOR SB2353

Aloha Chair Kidani, Vice Chair Kahele 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 its 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



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

January 30, 2018

Honorable Senator Kadani, Chair Education
and Honorable Senator Kahele and members
Hawaii State Capitol
[514 Beretania Street](#)
[Honolulu, Hawaii 96813](#)

RE: Strong Support for SB 2353– Protection for Students

Rainbow Family 808 strongly supports SB 2353, 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. SB 2353 is Hawaii's version of Title IX.

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

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

The mother wanted at the least for both of them to be disciplined but not only her daughter. This reminds me of the current outcry from the political scene, Hollywood, sports, churches and the music scene where women have been harassed, physically assaulted, emotionally, and financially raped. This is all part of why SB 2353 is so important that it be passed now to reassure our students that Hawaii stands up for them as well as adults. SB 2353 is part of our culture that needs to change in the schools as well as in future workplaces.

Rainbow Family 808 requests that SB 2353 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



January 30, 2018

To: Hawaii State Senate Committee on Education
Hearing Date/Time: Wednesday, January 31, 2018 (2:45 pm)
Place: Hawaii State Capitol, Rm. 229
Re: Testimony in support of SB2353

Dear Senator Michelle N. Kidani (Chair), Senator Kaiali'i Kahele (Vice Chair), and Members of the Committees,

I am grateful for this opportunity to testify in **strong support of S.B. 2353**, 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 S.B. 2353 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

EDU Testimony

From: Siena Schaar <sienaschaar@gmail.com>
Sent: Wednesday, January 31, 2018 10:19 AM
To: EDU Testimony
Subject: Support SB 2353

To whom it may concern:

Please consider this my formal testimony in support of SB2353. This moment calls on all of us to protect women and LGBT students from Trump's rollback of Title IX, and push even farther for a broader version that covers all state and state funded programs.

Mahalo,

Siena Schaar
Co-founder of Keiko Conservation International

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

Name: David Texeira, Kauai District

My name is David Texeira, a junior in high school, and the Head Class Representative of the Executive Council at Kauai High School. The Bill I am pleading testimony for is SB 2353. I testify for this bill because it provides better protection for students in public schools and and federally financed programs and activities to be protected against discrimination, as well as provides regulations for dealing with sexual assault by education employees.

Nationally every year there are 63,000 cases of sexual assault in which the victims are children children. That's accounting the hundreds of thousands of cases that go unanswered or eve investigated into. We need the appropriate laws and regulations set in place to protect our kids, the future, in our state. More so the Bill always protects student from discrimination in their own schools. Creating school environments in which the students feel comfortable and accepted is the only type of environment in which a student can effectively grow and learn.

We must become better than what we am. This bill starts an age of acceptance and hopefully is the start towards the decrease of sexual assault cases in our schools. I support, advocate, and willingly fight to have this bill approved, passed, and hopefully put into effect before January 1, 2019.

Name: Trinitie Tiitii

Aloha my name is Trinitie Tiitii I am testifying in favor of/in support of bill SB 2353.

I am for this bill because it gives the students a chance to speak up. In the past years sexual harassment cases that involved students were private because the state and the DOE had a law that would protect the teachers so the trial wouldn't be public. I believe that this law doesn't protect students because it was only made to protect the teachers reputation. However passing bill SB 2353 allows students to make their case go public, which would allow the student to get justice for what happened to them. But if this bill doesn't pass then the student might not get to get justice for themselves because they don't have other around to support them.

All in all you should support bill SB 2353 because it allows the student to receive justice for the incident they were in.

Name: Miranda Caniff, Kohala High School

Aloha, my name is Miranda Canniff and I am a representative of Kohala High School in the Hawaii State Student Council. I am testifying in support of S.B. No. 2353, Relating to Discrimination in Education—a bill that would not only provide security and closure to victims of sexual harassment and assault, but also serve as a revocation of a major obstacle for those who are limited in their opportunities to succeed in the educational environment.

As student leaders, we are often urged to stand up for those who cannot stand up for themselves. We assist those of our peers who have had to face unimaginable circumstances and experience traumatic events such as sexual assault, many of whom are ashamed of these factors that are ultimately beyond their control. As a result, they lose their voice. Far too many sexual assaults and harassment remain unreported and unsolved. This bill seeks to restore the voices of those people.

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

By passing S.B. 2353, we give those who have lost their voice through sexual violence the opportunity to speak for their right to feel safe in their school. The bill also gives students who are discriminated against the equal opportunity to succeed both academically and in their extracurricular pursuits. Safety should be a priority in the advancement of one's education. Thank you for your time.

Name: Elizabeth Johnson, Mililani High School

My name is Elizabeth Johnson, I am a freshman attending Mililani High School. I give my support of HB 2353 (Relating to Discrimination in Education). Students should feel safe when they attend school, what happens during these hours affects them heavily. Whether it affects their grades, schoolwork or socially, discrimination in school is a big problem. This bill can protect certain rights for people being discriminated against and prevent this inequality from happening.

Name: Angelica Raza-Furtado, Waianae High School

Aloha, My name is Angelica Raza-Furtado from the Leeward district of Oahu and currently registered in the school Waianae High School as a Junior. I am testifying in favor of SB2353, in regarding discrimination in education. To further back up my position of SB2353, schools are required in section 2 chapter 368 that, "No person in the State, on the basis of sex, including gender identity or expression, or sexual orientation, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under" (SB2353, 1). This statement is important in the prominent issue since schools, most schools. For instance, Waianae there has been open stories about sex (boys wanting to be girls and girls wanting to be boys) and most people in the school, even teachers don't accept who they are and won't allow them to go in bathrooms in the sex they feel like they are even though they are given permission to. Therefore, I believe that this issue should be addressed since there has been reported cases of discrimination in the state of Oahu, especially gender orientation. Thank you for letting me take part of this opportunity to implement my opinions.

Name: Charles Butz, Radford High School

My name is Charles Butz, and I am currently a sophomore at Radford High School. This testimony is in regard to SB 2353 relating to Discrimination in Education. I am testifying in favor of the bill because I believe it is important to better protect the students currently attending Public Schools in Hawaii.

The law in effect right now protects the adults in the school system from sexual assault, but not the students. It gives about as much protection to the students as criminals in prison. I believe it is of utmost importance to pass this bill and help make students feel comfortable in their school environment.

Thank you for reading my testimony and please consider passing this bill for the safety and protection of our students statewide.

Name: Shelby Hom, Radford High School

My name is Shelby Hom and I am a sophomore at Roosevelt High School on O'ahu. I am testifying in favor of SB2325 "Relating to Discrimination in Education."

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

I am a delegate of the 2017-2018 Secondary Student Conference and I support SB2353, which prohibits discrimination on the basis of sex, which includes gender identity and sexual orientation, in anything funded federally or by the state like public schools. It is a corollary to Title IX, which also aims to protect against sex discrimination in education, but its efficacy has been eroded. It is very easy for discrimination to evolve into harassment. Currently, there is a lack of protection for students against sexual harassment, yet 63,000 children a year are made victims of sexual harassment—even that is only an estimate because it only accounts for the cases that are reported, the number is probably much higher.

Adult survivors of childhood sexual abuse report lifelong feelings of guilt and shame, as well as problems with intimacy, relationships, and self-esteem. I believe this bill should be passed because children develop habits as early as age 9. By promoting an inclusive and accepting environment from a young age, we promote the safety and health of the next generation. It is time for change to occur, especially with the increasing number of cases of sexual assault that have come to light; this includes but is not limited to Larry Nassar's sexual abuse of Olympic gymnast Aly Raisman, numerous incidents of sexual harassment that have occurred at Michigan State University that have not been through the proper channels, and the thousands of survivors who have spoken up and empowered others using the hashtag #MeToo.

As a high school student, I want to make the most out of my education in order to become more knowledgeable and prepare myself for a future career. No one should be disadvantaged or have fewer opportunities because of their inherent physical characteristics or how they choose to identify. I strongly believe that everyone has the right to learn, no matter who they are.

Please work against discrimination based on sexual orientation and gender identity by voting for this bill. Thank you for your time and consideration.

Sincerely,

Shelby Hom

Name: Erika Silao, Central District

My name is Erika Silao from the Central District. I am testifying in support of Senate Bill 2353; Relating to Discrimination in Education.

I am supporting Senate Bill 2353 because it ensures closure and support for sexual assault victims. The current law that protects sexual assault victims protects as much as people are protected in prison. "From 2009-2013, Child Protective Services agencies substantiated, or found strong evidence to indicate that, 63,000 children a year were victims of sexual abuse" (rain.org). If this bill is passed, the number of children a year who are also sexual assault victims would decrease.

To conclude, this bill should be passed and become a law because it ensures the safety and closure of women and children in Hawai'i from being in fear of sexual assault.

Name: Hoyong Lee, Mililani High School

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

Hello, my name is Hoyong Lee and I am currently attending attending Mililani High School as a 12th grader. I am testifying in support of SB #2353. I strongly believe this bill can provide support and protection to some students who identifies themselves as minorities in terms of sexual orientation, gender identities, etc. Due to the fact that I am heterosexual, I can't say I fully understand other minorities. But I support this bill because I understand what those students have to go through as a minority. School is a place where all students should feel comfortable not depending on different characteristics.

Name: Madailein Miller, Castle High School

My name is Madailein Miller and I am a Jr. from Castle High School. I am testifying in favor of SB2353 regarding civil-rights for students who attend public or federally-funded activities. The well being of students should always be of the utmost importance. Today we live in a rape culture society that favors the assailant opposed to the victim. Further action needs to be taken to protect students against this type of culture. It is reported that 63,000 children a year are sexually assaulted. These children are only those reported of and there could be so many more. I do not know a single female who has not either known or been a victim of sexual assault. Please consider the importance of this bill and understand that in order to succeed you also need to feel safe. Support this and help make me feel safe. Thank you for your consideration.

Name: Rowlie John Flores, Ka'u High

Aloha! My name is Rowlie John Flores, a senior at Ka'u High & Pahala Elementary School, a member of the Hawai'i State Student Council and an intern for the Honolulu office Senator Brian Schatz. I am testifying in favor of Senate Bill 2353: "Relating to Discrimination in Education." I believe that this legislation is a great addition to make our school system a fair and accepting place for students of all backgrounds. This bill, being an extension, of Title IX and the Patsy Mink Equal Opportunity in Education Act gives students to partake in school activities such as athletics, clubs and community service without the exclusion and the discrimination brought by one's gender and sexual identity. Examples of discriminatory acts in school activities are not having a girls' team of a specific sport or not allowing girls to join a football team. With this bill, none of these activities will be funded by state or federal funds. Additionally, this bill gives sexual assault and sexual harassment victims the protection they need. Students, do not have the same protection to sexual assaults like adults, employees and teachers, which is unfair because I believe schools should center all their attention to the needs of the students.

Schools should be a place where all students should feel welcome and accepted, because therefore it is basically our second home. Without the protection we need as students regarding sexual assaults, the fears of those who were victimized will live on until they are adults. With that being said, schools have a responsibility to keep all students safe and they should be protected from all cases of sexual assault because while the physical effects may be temporary, the emotional and mental scars and thoughts live on for a very long time, and sometimes they can be permanent. I hope this testimony makes this bill stronger and I highly anticipate your input about this significant piece of legislation.

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

Name: Shania Ebreo, Hawaii District

My name is Shania Ebreo of the Hawaii district of our state. I participated as a school delegate at Hawaii's Secondary Student Conference. Reviewed and debated amongst others, was the Senate Bill No. 2353, "Relating to Discrimination in Education. I am testifying in favor of this Act, and the benefits it and its revisions encourage to bring.

For a long time, sexual assault has been seen as a shameful thing to endure, and has actually well weighed on the idea that being sexually assaulted is something you can be blamed for. So much so, that many are afraid to share their stories, and take a stand against this crime. Previously, there has been a vague statement of what is legally considered sexual assault or harassment, saying that it is "a showing of 'deliberate indifference'." Outlined in this bill, is a newly refined meaning, that states that sexual assault or harassment can be recognized as any act that causes one to be inflicted with "emotional distress or invasion of privacy related thereto." This bill empowers victims, by allowing their stories to be heard, and acted upon. It encourages victims to take a stand, knowing that sharing their story will not deprive them of the privileges that other students receive from the state.

By motion of this Senate Bill, with revisions of clarified definitions to the many 'debatable' terms used in its original introduction, schools will implement an encouraging and caring atmosphere in schools, that will empower anyone who feels like they have had their pride, sense of self, or emotional spirit tarnished by someone on their campus. For that reason, I strongly support the Senate Bill No. 2353 Regarding Discrimination in Education.

Name: Sarah Cadalora

Introduction: I am Sarah Cadalora, Delegate on the CCC (Co-Curricular Concerns Committee) in the SSC and I support SB 2353. I am in support of this bill because this creates general equality and safety among students/people in Educational facilities. From gender identity, expression, and even further protection from being equal to staff in criminal means such as rape, and provides a voice for these concerns. This is important to implement because in history and today, equality has always been a strived goal, such as the past, from the colored to women. This bill will help these students receive that equality and further help rape victims, considering that 63,000 students are roughly estimated to be. This bill will help achieve that voice to be heard and to protect students to create a more safe and comfortable environment, in which is one of the CCC's goals to achieve. Personally, I have seen students bullied for being "different," and personally not only are the students uncomfortable and feel unsafe, but myself as well. Again, I am in support of this creating equality and safety among students/people in educational facilities.

Name: Tesia Kim

My name is Tesia Kim and I am writing this to support the bill SB2353 which is "Relating to Discrimination in Education." I am testifying in favor of the bill because this bill will protect people of different gender identification, races, and sexual orientation. As a student leader at our school I want students to feel comfortable when entering classrooms and to be in a safe environment. This issue was introduced in 2002 to protect girls in education facilities and it gives the students the right to sue and bring their case to the public, but teachers are mostly protected from these case. This bill gives the students a voice to speak if they were affected. It is reported that 63,000 children are sexually assaulted every year and there could be more that are affected because they are shamed at what has happened. Kids who are sexually assaulted get life-long problems with self-esteem and shame and this bill will help students live healthy adult lives and be in a safe environment. This is why I am writing a testimony to support bill SB2353 to let students learn and grow in a safe and comfortable environment.

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

Name: Stephen Panoff, Hilo High School

I am Stephen Panoff, a student from Hilo High School located on the big island of Hawaii. This is SB2353, relating to discrimination in education. I am testifying in favor of the bill.

I am testifying in support of the bill because of the support it provides, the fairness it ensures, and the protection it guarantees. The bill helps students that are victims of sexual abuse at school. Not only does it help sexual abuse victims, it also ends discrimination of any kind in education. Regardless of a student's race, gender, or other discriminating factor, they will receive the same treatment as any other student. In both of these cases, students do not receive the justice they deserve, due to the protections possessed by teachers in legal matters involving students.

Sexual abuse and discrimination in any manner should not be tolerated in education or society as a whole, and I am glad to see changes being made. I am in support of SB 2353, and I hope this bill becomes a law. Thank you.

Name: Alina Ramos, Kapolei High School

My name is Alina Ramos from Kapolei High School in support of Senate Bill 2353. I testify in support to protect against sexual assault in schools.

I am in support of this bill because as a young women there is always an underlying fear that anywhere you go sexual assault could happen and if it does happen to you then most females are afraid to speak out due to the common trend that the victims are blamed. This bill will help children in school have the courage to speak out against assault to increase a safe and comfortable environment. As stated by fellow SSC delegate the bill right now has a "deliberate indifference". That needs to change. There is too much assaults being silenced and too much children's innocence being taken.

I'm closing this bill needs to be passed to decrease sexual assault and increase people coming toward to share and seek help. The school needs to protect the students in matters as serious as sexual assault. This will give a voice to all students increasing a feeling of a safe and comfortable school environment.

Name: Ka'ala K. Bajo, Waialua High School

My name is Ka'ala Bajo. I am a senior at Waialua High School and I am writing regarding SB 2353. I am testifying in support of SB 2353.

I fully support SB 2353, and believe that it is imperative to have legislature that will protect students. This bill proposes major breakthroughs regarding inclusion, discrimination, and sexual abuse, which are all crucial to remedy in order to create a safe and productive school environment. Current legislation does exist to protect these rights, such as Title IX and the Patsy-Mink Act, however it is not enough. For our children to be protected at the same standard as prisoners is appalling; they deserve better. In addition, I believe it is crucial to protect students from gender discrimination that often takes place in scholastic sports.

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

SB 2353 will protect the rights of people, specifically our vulnerable *keiki*, like me, who cannot protect themselves. I urge you to take my words into consideration when discussing this bill, and to think of the greater good this will bring into our schools.

Daniella M. White, Campbell High School

My name is Daniella Marie White, and I'm a Sophomore at James Campbell High School in Ewa Beach. The purpose of this is Senate Bill 2353. I am testifying in favor of this bill because, as a minor that is female and not of heterosexual orientation, the discrimination that people like me face is an issue that needs to be handled.

Filed under "health and aging", Human Rights Campaign provides statistics that "As a community, LGBTQ people face higher rates of poverty, stigma, and marginalization, which put us at greater risk for sexual assault. We 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 our relationships can lead to intimate partner violence that stems from internalized homophobia and shame." This is proved through the statistics that, out of the sexual harassment cases that *are* reported, majority of those harassed are female, or a member in the LGBTQ+ community. Out of the cases that aren't reported, the National Statistics on Sexual Violence says that "43% of victims did not report because they thought that nothing could be done, 27% thought it was a private matter, 12% were afraid of the police response, and 12% felt it was not important enough to report." If SB2353 were to pass and even become a law, this would teach not only young females, but also young LGBTQ+ members, and young males, that sexual violence is a valid problem, and they are in a safe enough environment to report it and receive the help they need. As a young, queer female, I have found people at my school making discriminatory jokes about sexual harassment against not just regular women but also women of color, and women of queer sexual orientation. The moment I, or anyone brave enough, speaks up against it, we, too, are discriminated.

I am for Senate Bill 2353 because, across the nation, young children, especially girls and those of queer sexual orientation, are losing a voice in their safety. I want to make sure that Hawaii hears them loud and clear, and we can begin making a change here.

Ashley Davison, Mililani High School

My name is Ashley Malia Davison and I am a senior at Mililani High School that attended the Secondary Student Conference. The bill is SB2353 relating to discrimination in education. I am testifying in favor of this bill because I believe that it is important we take action against any discrimination occurring within our schools in order to provide a safe and fair environment for all kids of hawaii to learn and participate in.

Alden Steyaert, Radford High School

I support SB 2353.

Introduction:

- I am a student from Radford
- Relating to Discrimination in Education
- I am testifying in favor of support for prohibiting discrimination in Education.

Content:

- I believe that students should all have equal opportunities and be able to be in a comfortable environment at school.
- From my research I found that although there's many numbers of national studies about sexual abuse funded by national institutes of Health, the Department of Justice, U.S Department of Edu there's no national studies that document

educator sexual abuse. This information was researched by a Professor at Texas A&M named Charol Shakshakt

Closing:

This Bill is very important for our future. Having kids start now that accepting all will lead to less discrimination for me and everyone and a overall better country.

The following testimonies were written by students participating in this year's Secondary Student Conference (1/26-1/27/18).

Name: YoonSeo Orite, Maui District

I am YoonSeo Orite, a student in the Maui School district. This bill pertains to the sexual assault and discrimination cases in Hawaii. I am in favor of this bill and am testifying in support of it because of the importance of this issue. There are over 63,000 cases of child sexual assault every year and this causes the affected children to have life-long problems with self-esteem and shame. Again, I reiterate my hopes that this bill can go on to become a law.

Name: Megan Oshiro, Kaiser High School

My name is Megan Oshiro and I am a sophomore at Kaiser High School. I am testifying ~~for~~ in favor of ~~SB2353~~ SB2353. I support this bill because I think it is important that students (not just females) feel safe in their school and shouldn't have to worry about consequences of speaking out about being sexually assaulted. 63,000 children a year are sexually assaulted and 1 child is ^{sexually} assaulted every minute. There are certain cases where students lie about being harassed but only two percent of those statements are false.

It is imperative that this bill gets passed as without it people continue to be assaulted without anyone knowing about it. It allows not only girls but all people of minorities to speak out against those that threaten their quality of education and life. That is why I support ~~SB2353~~ ^{SB2353} to be passed and become a law.

Name: Wester Gapasangra, Radford High School

For SB2353 relating to Education

I'm testifying in support of this bill.

I am Wester Gapasangra, a student leader from central district and Radford High School that has participated in SSC 2018 to learn about Hawaii state legislature. Along the way we explored actual bills pertaining to us—real students. I came across SB 2353 and have come to the position for the passing of the bill.

It should be understood that 4/5 sexual assault cases happen from people the victims know, making school a possible place to have it occur. By allowing protection, students can feel safe in the classroom & be safe when coming out with experiences, especially students. Just in my English class of

EDU Testimony

From: Yvonne Mahelona <mahelonay@icloud.com>
Sent: Tuesday, January 30, 2018 5:18 PM
To: EDU Testimony
Subject: Support for SB2353

Please consider this my formal testimony in support of SB2353. This moment calls on all of us to protect women and LGBT students from Trump's rollback of Title IX, and push even farther for a broader version that covers all state and state funded programs.

Mahalo,

Mahalo,

Yvonne Mahelona
Notary Public - National Signing Agent
[\(808\) 436-3424](tel:(808)436-3424)
Mahelonay@yahoo.com

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

SB-2353

Submitted on: 1/30/2018 3:05:27 PM

Testimony for EDU on 1/31/2018 2:45:00 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.

SB-2353

Submitted on: 1/30/2018 3:18:39 PM

Testimony for EDU on 1/31/2018 2:45:00 PM

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

Comments:

TESTIMONY IN SUPPORT OF

S.B. 2353 – RELATING TO DISCRIMINATION IN EDUCATION

Senate Committee on Education

January 31, 2018, 2:45 p.m., Conference Room 229

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 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.

S.B. 2353 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 S.B. 2353. I respectfully urge your Committee to PASS this important bill. Thank you for the opportunity to provide testimony.

SB-2353

Submitted on: 1/30/2018 8:51:15 PM

Testimony for EDU on 1/31/2018 2:45:00 PM

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

Comments:

SB-2353

Submitted on: 1/31/2018 10:41:37 AM

Testimony for EDU on 1/31/2018 2:45:00 PM

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

Comments:

I strongly support SB2353. 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

SB-2353

Submitted on: 1/31/2018 4:16:36 PM

Testimony for EDU on 1/31/2018 2:45:00 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

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Wednesday, January 31, 2018

2:45 p.m.

Hawaii State Capitol, Conference Room 229

RE: Testimony in Support of SB 2353, RELATING TO DISCRIMINATION IN EDUCATION

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") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2353 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 Senate Bill No. 2353 and support its passage.

Senate Bill No. 2353, 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 Senate Bill No. 2353 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