

Honolulu, Hawaii

FEB 07 , 2022

RE: H.B. No. 1775
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 1775 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Define the scope and application of chapter 368D, Hawaii Revised Statutes, which prohibits discrimination on the basis of sex or sexual orientation, in state educational programs and activities, and set forth requirements with which covered entities must comply; and
- (2) Require annual reports to the Legislature on the number and types of Title IX cases received by the Department of Education, public charter schools, and the University of Hawaii, and other relevant information.

Your Committee received testimony in support of this measure from the State Public Charter School Commission, Hawaii Civil Rights Commission, Rainbow Family 808, Stonewall Caucus of the Democratic Party of Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, Hawaii State Democratic Women's Caucus, Americans for Democratic Action, Planned Parenthood Alliance Advocates, Hawaii Children's Action Network



Speaks!, and fourteen individuals. Your Committee received testimony in support of the intent of this measure from the University of Hawaii. Your Committee received comments on this measure from the Department of Education, Department of the Attorney General, and National Association of School Psychologists.

Your Committee finds that 2022 is the fiftieth anniversary of the Patsy T. Mink Equal Opportunity in Education Act, otherwise known as Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or simply "Title IX", which has given millions of girls and women educational opportunities that were undreamed of before the enactment of Title IX. However, recent federal administrative rules adopted in 2020 significantly diminished the rights and protections for students and employees under Title IX.

Your Committee further finds that Act 110, Session Laws of Hawaii 2018, created a state corollary to Title IX by 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. This measure further defines the scope and application of the state corollary to Title IX and sets forth requirements that public education institutions in the State must comply with to ensure that the needs of victims of unlawful sex-based discrimination, including sexual harassment, gender-based harassment, and sexual assault, are properly addressed.

Your Committee has amended this measure by:

- (1) Specifying that ensuring the prohibition of discrimination on the basis of sex, including gender identity or expression, or sexual orientation, is a matter of statewide concern;
- (2) Appropriating an unspecified amount of funds to the State Public Charter School Commission for the hiring of one full-time equivalent position to ensure compliance by public charter schools with Title IX of the federal Education Amendments of 1972, as amended;
- (3) Changing its effective date to July 1, 2050; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1775, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1775, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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


JUSTIN H. WOODSON, Chair



