

Honolulu, Hawaii
FEB 16 , 2022

RE: H.B. No. 1775
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1775, H.D. 1, 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 Hawaii's laws prohibiting discrimination in state educational programs and activities and set forth requirements with which entities that have state education programs or activities, or that receive state funding for educational programs or activities, must comply; and
- (2) Require annual reporting to the Legislature on the number and types of discrimination cases received by the University of Hawaii, Department of Education, and public charter schools, and other relevant information.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawai'i Civil Rights Commission, State Public Charter School Commission, Stonewall Caucus of the Democratic Party of Hawai'i, American Association of University of Women of Hawaii, Hawaii Women's Coalition, Women's Caucus of the Democratic Party of Hawai'i, Hawai'i Women Lawyers,



Save Medicaid Hawaii, Hawai'i Children's Action Network Speaks!, and twelve individuals. Your Committee received comments on this measure from the Department of Budget and Finance and Department of Education.

Your Committee finds 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. This measure seeks to preserve and enhance the legacy of the Patsy Takemoto Mink Equal Opportunity in Education Act, otherwise known as Title IX of the Education Amendments of 1972.

Your Committee has amended this measure by:

- (1) Deleting language that would have applied the State's laws prohibiting discrimination in state educational programs and activities to the conduct of all students and employees of a covered educational program or activity and third parties;
- (2) Deleting the definitions of "consent", "dating violence", "domestic violence", "gender-based harassment", "incapacitated" or "incapacitation", "retaliation", "sex discrimination", "sexual assault", "sexual contact", "sexual exploitation", "sexual harassment", and "stalking";
- (3) Amending the required content for the annual reports to the Legislature;
- (4) Clarifying that the Public Charter School Commission, instead of each public charter school, is required to submit an annual report to the Legislature;
- (5) Clarifying that the State's laws prohibiting discrimination in state educational programs and activities do not preclude an individual participating in any educational program or activity who is aggrieved by a violation of those laws from filing a civil action in a court of competent jurisdiction;
- (6) Deleting language that would have prohibited certain types of conduct under any covered educational program or activity and all related language;



- (7) Establishing two senior advisor positions and one junior advisor position within the University of Hawaii System;
- (8) Inserting a blank appropriation to the Department of Education to carry out the purposes of this measure; and
- (9) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1775, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 1775, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



