

STAND. COM. REP. NO.

3961

Honolulu, Hawaii

APR 08 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 1775, H.D. 2, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to facilitate compliance with Hawaii's state law corollary to the federal Title IX law codified in Chapter 368D, Hawaii Revised Statutes, which prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any covered educational program or activity.

More specifically, the measure:

- (1) Clarifies the application of Chapter 368D, Hawaii Revised Statutes, and sets forth requirements with which entities having state educational programs or activities, or receiving state funding for educational programs or activities, must comply;
- (2) Requires annual reporting to the Legislature on the number and types of Title IX cases received by the University of Hawaii, Department of Education, and public charter schools, and other relevant information;



- (3) Establishes two full-time equivalent (2.0 FTE) senior advisor positions and one full-time equivalent (1.0 FTE) junior advisor position for the University of Hawaii System to carry out the purposes of the measure; and
- (4) Appropriates moneys to the Department of Education and State Public Charter School Commission to carry out the purposes of the measure.

Your Committees received written comments in support of this measure from the Hawaii Civil Rights Commission, University of Hawaii System, Hawaii State Public Charter School Commission, American Association of University Women of Hawaii, Hawaii State Democratic Women's Caucus, Hawaii Women's Coalition, Rainbow Family 808, Stonewall Caucus of the Democratic Party of Hawaii, League of Women Voters of Hawaii, Planned Parenthood Alliance Advocates, and eleven individuals.

Your Committees received written comments on this measure from the Department of the Attorney General, Department of Education, and Department of Budget and Finance.

Your Committees find that this measure's clarification of the purpose, scope, and application of Chapter 368D, Hawaii Revised Statutes, and requirement for annual data reporting by the University of Hawaii, Department of Education, and State Public Charter School Commission will help to ensure that the needs of victims of unlawful sex-based discrimination, including sexual harassment, gender-based harassment, and sexual assault, are adequately addressed.

Your Committees have amended this measure by:

- (1) Deleting language that required entities having a covered educational program or activity to designate a Title IX coordinator, publicize the Title IX coordinator's name and contact information, and adopt a written policy for addressing complaints brought pursuant to Chapter 368D, Hawaii Revised Statutes;
- (2) Deleting a provision that required federal law to prevail if any conflict arose between federal Title IX requirements and any state law requirements;



- (3) Deleting the definitions of "educational program or activity that receives state financial assistance" and "state educational program or activity";
- (4) Specifying that "covered educational program or activity" means the University of Hawaii, Department of Education, or public charter schools, or any educational program or activity that receives state financial assistance, in any amount, for any purpose, irrespective of the receipt of federal funds;
- (5) Requiring covered educational programs and activities to be in compliance with Chapter 368D, Hawaii Revised Statutes, during the school year when state funds are received or expended;
- (6) Specifying that the entities that are required to submit annual reports to the Legislature are the University of Hawaii, Department of Education, and State Public Charter School Commission and that all public charter schools shall submit certain required information to the Commission by August 1 of each year;
- (7) Replacing certain references to "public charter school" or "public charter schools" with "State Public Charter School Commission";
- (8) Amending section 1 to reflect the measure's amended purpose; and
- (9) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1775, H.D. 2, S.D. 1, as amended herein, and



recommend that it pass Third Reading in the form attached hereto
as H.B. No. 1775, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,

Karl Rhoads

KARL RHOADS, Chair

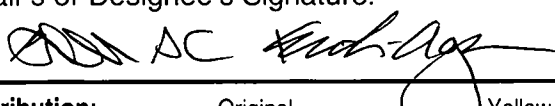
Donovan M. DeLa Cruz

DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 1775, HD2, SD1	Committee Referral: EDU/HRE, WAM/JDC	Date: 4/5/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
MISALUCHA, Bennette E.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	10			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Thirty-First Legislature
 State of Hawai'i

**Record of Votes
 Committee on Judiciary
 JDC**

Bill / Resolution No.:* HB 1775, HD2, SD1	Committee Referral: EDU/HPE, WAM/JDC	Date: 04-05-22
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The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended
2312

Pass, with amendments
2311

Hold
2310

Recommit
2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
TOTAL	7	-	-	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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