

JOSH GREEN, M.D.  
GOVERNOR



KEITH T. HAYASHI  
SUPERINTENDENT

**DEPT. COMM. NO. 287**

**STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804**

OFFICE OF THE DEPUTY SUPERINTENDENT

December 30, 2024

The Honorable Ronald D. Kouchi, President  
and Members of the Senate  
415 South Beretania Street  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Nadine K. Nakamura, Speaker  
and Members of the House of Representatives  
415 South Beretania Street  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Re: Hawaii State Department of Education Annual Report on Title IX

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, a copy of the annual Title IX report is being transmitted, pursuant to House Concurrent Resolution 198, S.D. 1, Session Laws of Hawaii 2018. In accordance with Section 93-16, Hawaii Revised Statutes, the report may also be viewed electronically at: <https://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>

Should you have any questions, please contact Ken Kakesako, Director of the Policy, Innovation, Planning and Evaluation Branch, Office of Strategy, Innovation and Performance, via email at [ken.kakesako@k12.hi.us](mailto:ken.kakesako@k12.hi.us) or by phone at (808) 282-3430.

Sincerely,

Tammi Oyadomari-Chun  
Deputy Superintendent of Strategy

TOC:bs  
Attachment

c: Legislative Reference Bureau  
Hawaii State Public Library System  
University of Hawaii  
Hawaii State Board of Education  
Deputy Superintendent of Operations  
Office of Talent Management



State of Hawai'i  
Department of Education

# **Annual Report on Title IX School Year 2023-2024 and School Year 2024-2025**

December 2024

House Concurrent Resolution No. 198 (2018) requires the Hawai'i State Department of Education to annually report on its efforts to comply with Title IX of the Educational Amendments of 1972, promoting gender equity in athletics as it pertains to the Resolution Agreement with the United States Department of Education, Office for Civil Rights, and the Department.

## TITLE IX LEGISLATIVE REPORT

The Hawai'i State Department of Education (Department) is committed to Title IX of the Educational Amendments of 1972 (Title IX) and the tenets that it upholds, including equitable use of athletic facilities and resources to ensure that the terms contained in the December 20, 2017, Resolution Agreement with the United States Department of Education, Office for Civil Rights (OCR) are met.

### **1. Actions taken by the Department to comply with Title IX pursuant to the Resolution Agreement**

#### **Compliance Coordinators**

On May 7, 2021, the Department submitted a letter to OCR, wherein it stated that the Department believed that it had fulfilled the remaining requirements of the Resolution Agreement. In order to fulfill the terms of the Resolution Agreement, the Department has, among other things:

- Designated a Title IX Coordinator at the State level.
- Posted contact information for the Title IX Specialist on the Department's Civil Rights Compliance Branch (CRCB) website.
- Distributed brochures and materials identifying contact information for the Title IX Specialist to students, parents, and employees.
- Designated 15 Equity Specialists to serve as Title IX Coordinators in each of the complex areas.

The 15 Equity Specialist positions are assigned to each of the Department's complex areas:

1. 'Aiea-Moanalua-Radford
2. Leilehua-Mililani-Waiialua
3. Farrington-Kaiser-Kalani
4. Kaimukī-McKinley-Roosevelt
5. Campbell-Kapolei
6. Nānākuli-Wai'anae
7. Pearl City-Waipahu
8. Castle-Kahuku
9. Kailua-Kalāheo
10. Hilo-Waiākea
11. Honoka'a-Kealakehe-Kohala-Konawaena
12. Ka'ū-Kea'au-Pāhoa
13. Baldwin-Kekaulike-Kūlanihāko'i-Maui
14. Hāna-Lahainaluna-Lāna'i-Molokai
15. Kapa'a-Kaua'i-Waimea

Contact information for each of the Equity Specialists is posted on the Department's Civil Rights Compliance Branch (CRCB) webpage at:

<https://www.hawaiipublicschools.org/ConnectWithUs/Organization/Offices/Pages/CRCO.aspx>

The Equity Specialists positioned in each of the complex areas listed above also have their contact information posted on each school's website in their respective complex areas.

### **Gender Equity in Athletics (GEIA) Specialist**

In 2018, with support from the American Civil Liberties Union (ACLU), female athletes from Campbell High School (Campbell) filed a lawsuit against the Department regarding gender equity in their athletics program at Campbell. As a result of the lawsuit, a Settlement Agreement (Agreement) was reached in 2023. The Department is presently working towards ensuring compliance with those issues addressed in the Agreement. In accordance with the Agreement, a federal compliance monitor was assigned to oversee the Campbell athletics program for the next seven years.

During 2023, the CRCB submitted a request for an unappropriated position to the Superintendent for a Gender Equity in Athletics (GEIA) Specialist. This request was approved, and the Gender Equity in Athletics Specialist position was created and subsequently filled in February 2024.

The GEIA Specialist position is dedicated to gender equity in athletics. The GEIA Specialist provides training to administrators and athletic directors pertaining to issues regarding equity within the athletic programs. This position will also allow the Department to expand its focus on school athletic programs to the middle and intermediate schools relating to intramural and extramural athletic programs. Other responsibilities of the GEIA Specialist include conducting athletic self-assessments, identifying interests and abilities in new sports, and being a resource for administrators and athletic directors.

The goal is to eventually make the GEIA Specialist a permanent position, where future funds will be requested from the legislature.

To ensure gender equity in our athletic programs across the State, the CRCB submitted a Gender Equity in Athletics Plan to the Superintendent in March 2024. Action items in the Gender Equity in Athletics Plan dated March 2024, included the following:

- Annual Interscholastic Athletics Form. This captures school enrollment, athletic participation, proportionality, levels of competition and variance/disparity rates. The form is due on June 13, 2025.
- High School Athletic Facilities Site Visits. Facility reviews of on-campus and off-campus athletic practice and competition facilities will be conducted for each high school with a competitive athletic program.
- Gender Equity in Athletics Workgroup. This workgroup is composed of Department Interscholastic Athletic League Executives, High School Principals and Athletic Directors. The first meeting will convene on December 6, 2024, to address statewide gender equity issues in athletic programs.

One accomplishment the GEIA Specialist has already initiated is the implementation of a new female sport, Girls Flag Football.

### **Notices of Non-Discrimination**

The Department has developed the following non-discrimination notices: (1) The Annual Notice of Non-Discrimination (Annual Notice); and (2) the Continuous Notice of Non-Discrimination (Continuous Notice).

The Annual Notice has been translated into 14 languages and is posted at:  
<https://www.hawaiipublicschools.org/ConnectWithUs/Organization/Offices/Pages/CRCO.a.spx>

In addition, each school has posted a copy of the Annual Notice on its website. The Annual Notice has also been included in the 2023-2024 and the 2024-2025 Opening of the School Year packets, which were disseminated to all Department employees prior to the beginning of those respective school years.

Additionally, the Continuous Notice continues to be included in electronic and printed publications of general distribution that provide school-related information to students, employees, or applicants. These publications include, but are not limited to, school announcements, school reminders, bulletins, catalogs, student planners, school handbooks, registration forms, school newsletters, and application forms (if applicable). The information included in the Continuous Notice confirms that the Department and its schools do not discriminate on the basis of race, sex, age, color, national origin, religion, or disability in its programs and activities.

The notice has since been updated to comply with Career and Technical Education requirements, as well as requirements indicated in the 2024 revisions to the federal Title IX regulations. They are in the process of being translated and upon completion will be posted on the CRCB website. The notice will also be disseminated to the field.

### **Grievance Procedures (Complaints Process)**

A revised Title 8, Chapter 19 of Hawai'i Administrative Rules (HAR) "Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism" (HAR 8-19), has been in effect since December 2019. Per the revised HAR 8-19, schools have consulted with their applicable CRCB Equity Specialist regarding possible situations of bullying, harassment, discrimination, and retaliation.

Title 8, Chapter 89 of HAR, "Civil Rights Policy and Complaint Procedure for Student(s) Complaints Against Adult(s)" (HAR 8-89), has also been in effect since October 2019. The CRCB has utilized the procedures in HAR 8-89 when investigating protected class student complaints against employees, volunteers, or third-party contractors.

Training for administrators on HAR 8-19 and HAR 8-89 originally occurred in 2019. However, to maintain and ensure that new administrators are aware of the new processes under both HAR 8-19 and HAR 8-89, training on HAR 8-19 and HAR 8-89 continues to be conducted each year. Additionally, training sessions on HAR 8-19 and HAR 8-89 have been conducted upon request by the Department's complex areas and/or offices or branches. Due to the COVID-19 pandemic and social distancing requirements, training regarding HAR 8-19 and HAR 8-89 was held in a virtual format, but recently, requests for training have been in both virtual and in-person formats.

### **2020 Title IX Regulations**

In May 2020, OCR issued revised federal regulations, dramatically expanding the requirements for the Title IX grievance procedures. The 2020 revisions took effect on August 14, 2020, and significantly impacted how the Department would investigate and

address sexual harassment and discrimination. The Interim Procedures is posted on the Department's CRCB webpage at:  
*<http://www.hawaiipublicschools.org/DOE%20Forms/Civil%20Rights/TitleIXInterimGrievanceProceduresforSexualHarassment.pdf>*

The Interim Procedures reflect the requirements set forth in the 2020 revisions to the Title IX regulations and create a process for addressing reports and complaints of sexual harassment within the Department. In accordance with the 2020 revisions, the Department must respond promptly to reports of sexual harassment, provide support to complainants, and use a fair grievance process that provides due process to both the complainant and the respondent.

The 2020 revisions to the Title IX regulations created new responsibilities for the Department throughout all points of the grievance process, which included: response obligations when reports of sexual harassment are received, as well as detailed obligations under the investigation process itself, the decision-making process, and the appeals portions of the grievance process for both the complainant and the respondent.

The 2020 changes in the grievance process resulted in an expansion of the CRCB Equity Specialist's role in several ways. Under the 2020 regulations, when a complaint is received, the Equity Specialist assigned to the Complex immediately corroborates with the school or office to conduct initial fact finding to determine whether the report of sexual harassment meets the criteria for a Title IX grievance. The Equity Specialist also assures that supportive measures have been addressed for the parties involved in the complaint. If it is determined that the complaint meets the criteria for a Title IX grievance, unless there are special circumstances involved, the same Equity Specialist conducts the fact-finding portion of the investigation. The Equity Specialist conducts the investigation for all formal complaints of sexual harassment that meet the criteria for the Title IX grievance process, including investigations where both the complainant and the respondent are students.

Under the 2020 regulations, separate from the fact-finding portion of the investigation referenced in the previous paragraph, the Title IX grievance process utilizes a decision-making panel composed of a second CRCB Equity Specialist and the respondent's administrator in lieu of a single decision maker. The assigned Equity Specialist on the decision-making panel assists the administrator with making findings of fact and determinations of responsibility.

For reports of sexual harassment between students that do not meet the requirements for the Title IX grievance process, schools continue to consult with the CRCB Equity Specialist regarding next steps and immediate interventions for the parties. For reports of sexual harassment of a student by an employee that do not meet the requirements for the Title IX grievance process, the Equity Specialist investigates to determine whether the respondent violated any other Board of Education Policies and/or Department directives, rules, or guidelines.

Virtual training for administrators on the Interim Procedures was conducted during September 2020 and October 2020. Upon request, additional training on the Interim Procedures has been provided to complex administrators.

## **2023 Title IX Updates**

In April 2023, OCR announced a new and proposed rule-making regarding transgender student athletes and school athletic programs. Under the proposed rule, schools would be prohibited from adopting a policy that categorically bans transgender students from participating on school athletic teams consistent with their gender identity. The proposed rule also, however, would allow schools to develop criteria that:

[S]erve important educational objectives, such as ensuring fairness in competition or preventing sports-related injury. These criteria would have to account for the sport, level of competition, and grade or education level to which they apply. These criteria could not be premised on disapproval of transgender students or a desire to harm a particular student. The criteria would also have to minimize harms to students whose opportunity to participate in a male or female team consistent with their gender identity would be limited or denied.<sup>[1]</sup>

As OCR has not yet finalized this proposed rule, the Department continues to work with students on a case-by-case basis, where for all practical purposes, students are allowed to participate according to their gender identity. The Department's Guidance on Supports for Transgender Students (Guidance) was recently revised, where among other revisions, the Guidance now makes it clear that students are allowed to participate in competitive athletics according to their gender identity. The proposed revisions are still under internal review and it is anticipated they will be finalized during the 2024-2025 school year. Once finalized, the CRCB will offer training to school administrators regarding the updated Guidance.

## **2024 Title IX Regulations**

In April 2024, OCR issued revised federal Title IX regulations with an effective date of August 1, 2024. The 2024 revisions differ from the 2020 Title IX requirements, since the due process steps required by the 2020 revisions have been heavily modified, and 2020 Title IX definitions have been revised, removed, or new definitions created. A major change of the 2024 revisions includes the expansion of the scope of Title IX's coverage, where Title IX applies to all instances of sex-based discrimination, including sex-based harassment, and discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The inclusion of sex characteristics, sex stereotypes, sexual orientation, and gender identity now aligns with the Department's internal policies, state law, and federal law.

Another notable revision concerns the 2020 Title IX definition of sexual harassment. The 2024 Title IX revisions not only re-named this definition as "sex-based harassment," but made substantive changes to the definition itself. The 2024 definition of "sex-based harassment" still includes instances of quid pro quo concerning an employee respondent, as well as allegations concerning sexual assault, dating violence, domestic violence, and stalking. However, the "hostile environment" part of the definition has expanded to cover more types of sex-based conduct. As a comparison, language under the 2020 Title IX requirements was that the alleged conduct needed to be severe, pervasive, *and* objectively offensive to meet the criteria for the Title IX process. Whereas, under the 2024 Title IX revisions, the language for the "hostile environment" part of the definition is that the alleged conduct must be objectively offensive and severe *or* pervasive. The alteration of using "or" expands the scope of sex-based conduct that would meet the criteria Title IX process, as

the alleged conduct no longer has to meet all three elements of being severe, pervasive, and objectively offensive. The alleged conduct need only be either severe or pervasive to meet the 2024 Title IX criteria.

Notwithstanding the aforementioned changes, the 2024 Title IX revisions still reflects some of the basic procedural structure created by the 2020 Title IX requirements. Upon receipt of a complaint the CRCB Equity Specialists continue to collaborate with the school or office to conduct initial fact finding to determine whether the allegations of sex discrimination, including sex-based harassment, meets the criteria for the Title IX grievance process. The Equity Specialists also continue work with schools and offices in the provision of supportive measures for the parties and other affected individuals. The Department is still in the process of finalizing revised procedures. Therefore, in the interim, the Equity Specialists continue to investigate all allegations that meet the Title IX criteria for both student and employee respondents.

Similar to the 2020 Title IX requirements, for reports of sex-based allegations that do not meet the Title IX criteria, other applicable policies and procedures are used to address such situations, e.g., Chapter 19 for student respondents, and applicable board policies for employee respondents.

The 2024 Title IX revisions are prospective only and do not apply to conduct that occurred prior to August 1, 2024. This means that for complaints of alleged conduct that occurred prior to August 1, 2024, the requirements indicated in the 2020 Interim Procedures will be used to address the allegations.

It should be noted that the 2024 Title IX revisions have resulted in multiple lawsuits that have halted implementation of the 2024 Title IX requirements in 26 states. Although Hawaii did not file a lawsuit, nor join in any such lawsuit, there is one lawsuit that affects Department schools. This lawsuit was filed by four states and three plaintiff organizations. The result of this lawsuit was a preliminary injunction that halted implementation of the 2024 Title IX requirements in the four plaintiff states, as well as any schools that members of the plaintiff organizations or children of members of the plaintiff organizations attend. As of August 28, 2024, plaintiff organizations have submitted initial and supplemental lists of schools that members of these organizations or children of members of these organizations attend. The plaintiff organization applicable to the Department is the Moms for Liberty organization. Currently, there are 15 schools in the Department where children of members of the Moms for Liberty organization attend. For these 15 schools, the 2020 Title IX requirements will continue to be applied. These 15 schools are:

<b><i>District &amp; Complex Area</i></b>	<b><i>School</i></b>
Central District 'Aiea-Moanalua-Radford	Moanalua High School Moanalua Middle School
Central District Leilehua-Mililani-Waiialua	Mililani Mauka Elementary School
Honolulu District Farrington-Kaiser-Kalani	Hahaione Elementary School Niu Valley Middle School



<b><i>District &amp; Complex Area</i></b>	<b><i>School</i></b>
Honolulu District Kaimukī-McKinley-Roosevelt	President Abraham Lincoln Elementary School President Theodore Roosevelt High School
Leeward District Campbell-Kapolei	Kapolei High School
Leeward District Nanakuli-Waianae	
Leeward District Pearl City-Waipahu	August Ahrens Elementary School Waipahu Intermediate School
Windward District Castle-Kahuku	Castle High School Pū'ōhala Elementary School
Windward District Kailua-Kalāheo	
Hawaii District Hilo-Waiākea	
Hawaii District Honoka'a-Kealakehe-Kohala-Konawaena	
Hawaii District Ka'ū-Kea'au-Pāhoa	
Maui District Baldwin-Kekaulike-Kūlanihāko'i-Maui	Henry Perrine Baldwin High School 'Īao Intermediate School
Maui District Hāna-Lahāinaluna-Lāna'i-Molokai	
Kauai District Kapa'a-Kaua'i-Waimea	

The CRCB will continue to monitor for supplemental lists that may be submitted to the court. It should be noted that all of the lawsuits that were filed are still ongoing, and that preliminary injunctions have been limited to only the plaintiff states for these lawsuits. The CRCB will also continue to monitor the lawsuits for any implications on a national level.

### **Civil Rights Compliance Workgroup**

In Fall 2023, the CRCB established the Civil Rights Compliance Workgroup (CRC Workgroup), which is composed of both community stakeholders, as well as Department representatives from the school level (faculty and administration), complex level, and state level positions. The CRC Workgroup met on August 23, 2023, November 16, 2023, and April 18, 2024.

On August 23, 2023, the CRC Workgroup members were divided into three Sub-Groups: (1) Race and Religion, (2) Sex and Gender, and (3) Disability. Each Sub-Group was tasked with discussing relevant issues and concerns, as well as determining a project goal that could reasonably be accomplished during the 2023-2024 school year. Specifically, regarding Title IX, the Sex and Gender Sub-Group was composed of state, complex, and school level administrators, as well as community stakeholders. One school administrator spoke about the high turnover of administrators in her particular complex. The discussion then focused on the need for more robust training on Title IX (as well as protected classes in general) for administrators. Although training was conducted in the past, recently hired administrators have not received the training. It was then determined that the project goal for the Sex and Gender Sub-Workgroup would be on developing a robust training plan that focused on Title IX issues (as well as protected class in general). A training plan was drafted with Title IX topics including sex harassment, the Department's Interim Grievance Procedures for Sexual Harassment, the Department's Guidance on Supports for Transgender Students, and Gender Equity in Athletics. The draft training plan also included future plans for "public service announcement (PSA)" type formats for parents and students about what harassment and discrimination may look like and how to report such incidents of harassment and/or discrimination.

On November 16, 2023, the CRC Workgroup met and gathered in their respective Sub-Groups. Each Sub-Group discussed their project goal(s), and then provided an update to the larger workgroup. Regarding the Sex and Gender subgroup, members reviewed the draft training plan, and provided comments and possible revisions. Based on this discussion, the training plan was subsequently revised to reflect members' input. It was also determined that for the 2024-2025 school year, the focus would only be on two Title IX related trainings: Title IX sex-harassment and LGBTQ+ "101".

At the April 18, 2024 meeting, the agenda included two presentations that included an overview of gender equity in athletics and an overview of diversity, equity, and inclusion. The Sub-Groups then divided into their respective groups to discuss progress on the project goal. Regarding the Sex and Gender Subgroup, updates were provided on the status of the Title IX related trainings. At the time, the CRCB was working with an outside organization to provide on-line Title IX training to all Department employees. An update was also provided on the LGBTQ+ "101" training, where an in-person training was conducted for the faculty and staff at a Department high school. The slide deck for this presentation will be the "base" for creating a recorded/virtual training that the CRCB will post on the Department's intranet for employees to access, as needed.

## **2. Actions taken by the Department to comply with Title IX with regard to all athletic facilities, including, but not limited to, fields, locker rooms, and transportation**

In 2023, the Campbell lawsuit regarding gender equity in athletics issues resulted in the Agreement. The terms indicated in the Agreement affected the policies and procedures used to address gender equity in athletics. Therefore, the CRCB revised and updated policies and procedures, as appropriate, to align with the terms of the Agreement.

The Office of Facilities Operations (OFO) is working on various gender equity projects, including improvements to softball fields and the construction of girls' athletic locker rooms. These include the following:

- The softball field at Campbell has been in use since February 2022.
- The softball field at Pearl City High School has been in use since April 2022.
- The improvements to the softball facilities at King Kekaulike High School were completed and a baseball and softball field improvements job at the school that will reorient the softball field is pending construction.
- Construction is almost complete for the girls' athletic locker room at Mililani High School and Phase 2 and Phase 3 work is in construction and awaiting a construction contract, respectively.

Other projects include softball field improvements and girls' athletic locker rooms at various high schools, as follows:

- Castle High School, Softball Field improvements: In design; anticipate construction funds in fiscal year 2025-26 (FY26). Project is redesigning and is anticipated to bid before June 2026.
- Kaimuki High School, Softball Field improvements: In design; This project will provide improvements that include ADA access to the field and dugouts and bleachers. The softball field project anticipates construction funds from FY26 and to bid before June 2026. Future improvements will be made when the track and field is reoriented.
- Kapiolani Elementary School (for Hilo High School softball): In construction; estimated completion in February 2025.
- King Kekaulike High School, Baseball and Softball complex: In construction; estimated completion in January 2025.
- Konawaena High School, Softball Field improvements: In construction; estimated completion in April 2025.
- Moanalua High School, Softball Field: Completed construction in December 2023.
- Moanalua High School, Softball Field, Phase 2: The project was bid but the construction duration has not been set yet.
- Puuhale Elementary School (for Farrington High School), Softball Field: The project was bid but the construction duration has not been set yet.
- Roosevelt High School, Softball Field improvements: The project was bid but the construction duration has not been set yet.
- Mililani High School, Girls' Athletic Facilities: In construction; This project is for the girls athletic locker room building; estimated completion is December 2024.
- Mililani High School, Girls' Athletic Facilities, Phase 2: In construction; This project is for softball field support facilities around the softball field but not including the field; estimated completion date is December 2024.
- Mililani High School, Girls' Athletic Facilities, Phase 3: The project was bid but the construction duration has not been set yet.
- Kaimuki High School, Girls' Athletic Locker Room: design: The project was bid but the bid is under protest. The protest must be resolved before the project can proceed.
- Kauai High School, Girls' Athletic Locker Room: In construction; estimated completion in January 2025.

- Maui High School, Girls' Athletic Locker Room, and Other Facilities: In construction contracting; the notice to proceed has not yet been issued so there is no completion date scheduled yet.
- Moanalua High School, Girls' Athletic Locker Room, and Other Facilities: In design; mixed use project needs line item funding for support facilities in addition to gender equity funding, anticipated in FY26.
- Radford High School, Girls' Athletic Locker Room: In construction; estimated completion in January 2025.
- Waianae High School, Girls' Athletic Locker Room: In construction; estimated completion in January 2025.
- Waipahu High School, Girls' Athletic Locker Room: In construction; estimated completion date is April 2025.
- Waiakea High School, Girls' Athletic Locker Room: Job could not bid due to insufficient budget. Anticipating construction funding in FY26; anticipate bid open date in March 2026.
- Leilehua High School, Girls' Athletic Locker Room: In design; additional construction funds anticipated in FY26; anticipate bid open date in March 2026.
- Hana High and Elementary School, Girls' Athletic Locker Room: In design; construction funds in FY25 and anticipate additional funds in FY26; anticipate bid opening date in April 2026.

The aforementioned status updates are subject to change.

### **3. All requests for appropriations, positions, and any proposed legislation to comply with the requirements of Title IX**

#### **Athletic Facilities**

For the biennium budget for Capital Improvement Projects for fiscal years 2025-26 and 2026-27, the Department will request approximately \$85.7 million for gender equity projects.

#### **Additional Title IX Training**

Act 242, Session Laws of Hawaii 2022 (Act 242), in part, requires the Department to provide data on the number of administrators, teachers, and counselors who were trained on Title IX and the Department's applicable policies concerning harassment on the basis of sex. As part of this bill, the legislature allocated \$350,000 to be used towards such training for Department employees, as well as for Charter School employees. The CRCB originally initiated the Request for Proposal process to procure web-based training on Title IX; however, with the assistance of the Department's Procurement Branch, the CRCB utilized an exception, per the Hawaii Administrative Rules, and contacted with TNG/ATIXA (Association for Title IX Administrators) to provide both on-line and in-person training pertaining to Title IX.

In December 2023 and February 2024, in-person training was made available to the CRCB Equity Specialists, Charter School representatives, and other Department employees, as appropriate through two four-day sessions.

The December 2023 trainings focused on the following topics:

- Investigator Foundations for K12 Foundations;
- Investigation Report Writing for K12 Education;
- Title IX Decision-Making for K12 Education; and
- Title IX Compliance and Athletics for K12 Schools and Districts.

Athletic Directors and school and complex level administrators were invited to and attended the “Title IX Compliance and Athletics for K12 Schools and Districts” training.

The February 2024 trainings focused on the following topics:

- The Intersection of the American with Disabilities Act (ADA), Section 504 and the Individualized Disabilities Education Act (IDEA);
- ‘NPriMer’ for K12 Education: What to Expect with the Forthcoming Title IX Regulations and Hot Topics;
- Discrimination Under Federal and State Civil Rights Laws;
- Pregnancy, Parenting, and Related Conditions Workshop; and
- Rationale Writing Workshop.

The “Pregnancy, Parenting, and Related Conditions Workshop” and the “Rationale Writing Workshop” were half day sessions that were held on the same day.

The Department also worked with TNG/ATIXA to provide additional virtual trainings to the CRCB specialists, as well as to provide in-person training to school, complex, and state level administrators during the Summer 2024. These trainings occurred in July 2024 and August 2024.

The July 2024 training consisted of two-half day virtual trainings that focused on the topic “Implementing the 2024 Title IX Regulations for K12 Schools and Districts.” Presenters discussed the 2024 Title IX requirements including on-going litigation concerning the 2024 Title IX revisions, the expanded scope of Title IX, terminology and definitions, the revised grievance process to address complaints of sex discrimination, and pregnancy and related conditions. Training attendees for the virtual sessions were the CRCB specialists and the Equity Specialist from the Charter School Commission.

In preparation for the implementation of the new 2024 Title IX Regulations, TNG/ATIXA conducted in-person training to school, complex, and state level administrators in August 2024. The goal was to have at least one administrator from each school attend this training. The training topic for these in-person sessions was “Title IX Coordinator Foundations for K12.” Presenters discussed the revised 2024 Title IX requirements for addressing complaints of sex discrimination. In addition to school and complex level administrators, district and state level administrators also attended the in-person trainings. The August 2024 trainings session dates were<sup>[2]</sup>:

1. August 9, 2024 (Oahu – Central District)
2. August 12, 2024 (Hawaii Island – East Hawaii)
3. August 13, 2024 (Hawaii Island – West Hawaii)
4. August 15, 2024 (Oahu – Windward District)
5. August 15, 2024 (Oahu – Leeward District)
6. August 19, 2024 (Oahu – Leeward District)

7. August 19, 2024 (Maui)
8. August 20, 2024 (Oahu – Honolulu District)
9. August 20, 2024 (Maui)

Although training sessions were located in complex areas across the State, participants were able to register for the training session that best accommodated their scheduling needs.

It should be noted that the Kapaa-Kauai-Waimea complex area administrators were not trained in August 2024. The Department is currently working with TNG/ATIXA to return in November 2024 to provide in-person training to the Kapaa-Kauai-Waimea complex area administrators, as well as conduct at least one make-up session for school level administrators who were unable to attend the August 2024 training dates. In addition, the Equity Specialists will also receive additional training in Title IX.

On August 14, 2024, TNG/ATIXA also presented to the Department's Leadership team, which consists of the Superintendent, Deputy Superintendents, Assistant Superintendents, and Complex Area Superintendents. The topic of this session was "Title IX Compliance Essentials" and was a half-day session that provided a condensed overview of the 2024 Title IX requirements.

On-line Title IX related training will be made available to all Department employees, as well as Charter School employees. The CRCB is currently working with TNG/ATIXA to provide this web-based training. The training consists of learning modules that will provide an overview of Title IX, Title IX's scope, the Title IX definitions of sex harassment, as well as how employees should initially respond to reports of sex harassment, and reporting requirements.

### **Case Management System**

The CRCB is responsible for a variety of tasks and responsibilities, including investigating allegations of discrimination and harassment on the basis of a protected class. The CRCB does not have a formal case management system and manually keeps track of the cases and tasks.

Act 242 also requires the Department to provide specific data on Title IX and non-Title IX sexual harassment complaints. Currently, the CRCB keeps manual data on the following:

1. All reports of sexual harassment that meet the Title IX criteria;
2. Non-Title IX reports of sexual harassment for situations where the complainant is a student, and the respondent is an employee; and
3. Non-Title IX reports of sexual harassment for situations where both the complainant and the respondent are employees.

Regarding reports of non-Title IX sex harassment where both the complainant and the respondent are students, such situations as addressed per the procedures indicated in HAR 8-19. These cases are then logged into Infinite Campus, the Department's Student Information System.

In order to better manage and keep track of its responsibilities, the CRCB submitted a budget request for \$130,000. The purpose of the budget request was for a formal case management system that would allow the CRCB to manage better and monitor its various responsibilities and tasks. The total amount for the budget request was approved, and the CRCB originally initiated the Request for Proposal process to procure a formal case management system. With the assistance of the Department's Procurement Branch, the CRCB was able to utilize an exception, per the Hawai'i Administrative Rules, to work with Carahsoft, a "reseller," to procure the Guardian case management system. An Engagement Addendum, as well as a Data Sharing Agreement was finalized between the Department and Carahsoft.

Guardian, the case management system vendor, conducted a training with the CRCB Specialists on July 29, 2024 regarding how to generally navigate the case management system. Subsequent to this, the CRCB and Guardian worked together to test and finalize the case management system. A training with the CRCB Specialists was held on October 4, 2024 regarding how to input and keep track of cases in the system. Final adjustments are currently being addressed and planned implementation is anticipated by mid-November 2024.

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<sup>[1]</sup> See OCR Fact Sheet: U.S. Department of Education's Proposed Changes to its Title IX Regulations on Student's Eligibility for Athletic Teams (April 6, 2023) at <https://www2.ed.gov/about/offices/list/ocr/docs/t9-ath-nprm-factsheet.pdf>. (last checked on November 6, 2023)

<sup>[2]</sup> TNG/ATIXA provided multiple trainers so that more than one training session could be held on the same day.