

SB-527

Submitted on: 1/31/2025 7:00:46 PM

Testimony for EDU on 2/3/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha

I SUPPORT SB 527 which establishes, and appropriates funds for, five full-time equivalent (5.0 FTE) positions within the Civil Rights Compliance Branch of the Department of Education. Considering the direction of the Federal govt. on civil right's issues, it is even more important that at the state/DOE level that we have positions in place and the funds to pay for them.

I SUPPORT

C. Burghardt

Kou, Oahu



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

Date: 02/03/2025

Time: 03:00 PM

Location: CR 229 & Videoconference

Committee: Senate Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: SB 0527 RELATING TO EDUCATION.

Purpose of Bill: Establishes, and appropriates funds for, five full-time equivalent (5.0 FTE) positions within the Civil Rights Compliance Branch of the Department of Education.

Department's Position:

The Department is deeply committed to Title IX of the Educational Amendments of 1972 (Title IX) and the tenets it upholds. The Department is equally committed to other civil rights laws and protections, which are overseen by the CRCB, including Title VI of the Civil Rights Act of 1964 (Title VI), Title VII of the Civil Rights Act of 1964 (Title VII), Section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act (ADA); and the values upheld in those laws.

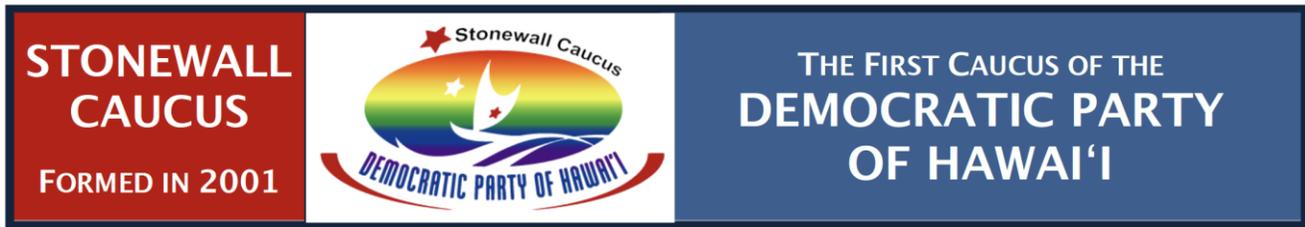
Due to the invalidation of the 2024 Title IX Regulations by a federal district court ruling on January 9, 2025, the Department reverted to the 2020 Title IX Regulations. These regulations mandate specific due process steps for addressing and investigating sexual harassment reports, requiring separate roles for the Title IX Coordinator, Investigator, and Decision-maker. As a result, at least two Equity Specialists are needed for each case, one for the investigation and another for the decision-making process, leading to an increased workload for the CRCB.

In addition to Title IX investigations, CRCB Equity Specialists handle other protected class investigations, accommodation requests, training, and support for schools and Department offices. They also respond to external agencies regarding discrimination complaints. The CRCB has been managing caseloads and completing investigations and other tasks despite challenges posed by varying school numbers, geographical differences, demographics, and complaint complexity within each Complex Area.

A 2018 Title IX lawsuit against the Department and the Oahu Interscholastic Association (OIA) resulted in a 2023 Settlement Agreement with specific tasks. The Department established a temporary position for a Gender Equity in Athletics Specialist, who has made significant progress in implementing a new girls' sport and ensuring gender equity in athletics. The Department seeks to convert this position to a permanent one to maintain momentum.

The five (5) positions requested in this measure would be for Equity Specialists: one (1) dedicated to Gender Equity in Athletics and four (4) to manage fluctuating caseloads and ensure timely responses to discrimination allegations, investigations, and accommodation requests.

The Department appreciates the opportunity to provide testimony on SB 527.



TESTIMONY FROM THE STONEWALL CAUCUS OF THE DEMOCRATIC PARTY OF HAWAII

SENATE COMMITTEE ON EDUCATION

FEBRUARY 1, 2025

Testimony in Strong Support of Senate Bill [527] RELATING TO EDUCATION

Aloha Chair Kidani, Vice Chair Kim, and esteemed Members of the Committee:

My name is Abby Simmons, Chair of the Stonewall Caucus of the Democratic Party of Hawai'i, and I am testifying on behalf of our Caucus in strong support of SB527, which seeks to strengthen civil rights compliance within the Hawai'i Department of Education (DOE). This bill takes a much-needed step toward ensuring gender equity in athletics and protecting students from discrimination. **However, I respectfully request an amendment to explicitly affirm protections for transgender and nonbinary students under Title IX:**

Why This Amendment is Necessary

1. Gender Identity Protections Are an Essential Part of Title IX Compliance

- Title IX prohibits discrimination on the basis of sex in federally funded education programs.
- The bill currently references Title IX but does not explicitly state that these new positions will ensure protections for transgender and nonbinary students.

2. Clarifying Gender Identity Protections Prevents Discriminatory Exclusions

- In recent years, various states have attempted to exclude transgender students from participating in school sports and programs that align with their gender identity.
- To ensure that Hawai'i remains a leader in equity and inclusion, it is critical that SB527 explicitly confirms that these new Title IX specialists and equity officers will protect transgender and nonbinary students from discrimination.

Proposed Amendment

To strengthen SB527, I propose the following amendment:

Section 2(a)(1) – Add the following language:

“The civil rights compliance specialist (Title IX - gender equity in athletics) shall ensure that Title IX compliance efforts explicitly include protections for students on the basis of gender identity and shall work to prevent discrimination against transgender and nonbinary students in athletics and other school programs.”

Section 2(a)(2) – Add the following language:

“The equity specialists shall provide guidance to school administrators on ensuring equal access to education, including athletics, for all students regardless of sex, gender identity, or gender expression.”

In summary

SB527 is a crucial step toward enhancing civil rights compliance in our schools. By incorporating this amendment, the bill will ensure equal protection for all students, including those who are transgender and nonbinary. I urge the committee to pass SB527 with this amendment so that Hawaii’s DOE can fully uphold the principles of Title IX and affirm the rights of all students.

Mahalo for the opportunity to testify.

Respectfully,

Abby Simmons (she/her)
Chair & SCC Representative
Stonewall Caucus
Democratic Party of Hawai’i
<https://linktr.ee/stonewalldph>

LATE

SB-527

Submitted on: 2/3/2025 7:38:29 AM

Testimony for EDU on 2/3/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heather McVay HCRC	Testifying for Hawai'i Civil Rights Commission	Support	Written Testimony Only

Comments:

Support.

SB-527

Submitted on: 2/2/2025 10:18:48 AM

Testimony for EDU on 2/3/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn Poiani	Individual	Oppose	Written Testimony Only

Comments:

Dear honorable committe members,

I oppose this bill for this reason: While I do support Title IX I believe that highering 5 employees for Title IX specialist for gender equity in athletics is an excessive expendature for the state of Hawaii. Gender equity is important, but in this fiscally tight environment this bill does not support a broad enough portion of the population to warrent 5 individual highers.

Thank you,

Dawn P

Honolulu, HI 96813

LATE

SB-527

Submitted on: 2/3/2025 4:50:08 PM

Testimony for EDU on 2/3/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Elento	Individual	Comments	Written Testimony Only

Comments:

COMMENTS FOR SB527

* To address the need for additional funds for civil rights compliance and equity positions within the Department of Education and

*** To specify civil rights for students with a disability, who may or may not need special education, and their access to an accommodation, modification, aid, service, opportunity or benefit, and for effective communication.**

In addition to the DOE's responsibility to comply with the Individuals with Disabilities Act (IDEA), the Office of the Superintendent's Monitoring and Compliance Branch and Office of Student Support Services should work in cooperation with offices and staff assigned to train and provide for compliance with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA) and related laws for qualified **students with disabilities in the DOE and charter schools.**

I believe civil rights of students with disabilities are underestimated, giving a focus on providing special education and related services under the IDEA. These federal and state civil rights laws apply to students who receive special education or elect not to receive special education even though found eligible, and students who are not found eligible. These civil rights are in addition to rights under the IDEA.

In addition to Title III of the Americans with Disabilities Act (ADA), this bill should add **Title II Effective Communication of the ADA to recognize a disabled student's civil rights for means of effective communication.** For example, a student who was born with Down syndrome may have speech difficulties or a delay in language development. One remedy may be providing instruction in both speech and sign language, or simultaneous communication, which is not limited to students who are deaf or hard of hearing. Another remedy may be learning to use an iPad with a text-to-speech app so that a student and communication partners, such as teachers and students, may learn, express and understand. These remedies are examples of a student's choice of mode of communication in order to benefit from **effective communication choices of a student, who may or may not need special education. Relevant caselaw: KM v. Tustin Unified School District.**

This bill should enable the DOE to partner with the Hawaii Civil Rights Commission (HCRC) to train and develop plans for accommodations, services and effective communication for **students with disabilities** to access and participate in the DOE's programs and activities (and charter schools) receiving state financial assistance as required in **HRS 368-1.5**.

We need these positions to be specifically funded for protecting the civil rights of students due to disability, and not only for job applicants and employees.

February 3, 2025