

ACT 229

S.B. NO. 2475

A Bill for an Act Relating to Gender Equity in Sports.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new subpart to part II to be appropriately designated and to read as follows:

“ . GENDER EQUITY IN SPORTS

§302A- Gender equity in athletics. No person, on the basis of sex, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination in athletics offered by a public high school, pursuant to Public Law 92-318, Title IX of the federal Education Amendments of 1972.

§302A- Factors; unequal aggregate expenditures. (a) The superintendent of education and the advisory commission on gender equity in sports shall consider:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
- (2) The provision of equipment, uniforms, and supplies;
- (3) Equal access to practice and game times;
- (4) Travel and per diem allowances;
- (5) Opportunities to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Access to locker room, weight room, and practice, competitive, and training facilities;
- (8) Access to medical services;
- (9) The provision of housing and dining facilities and services;
- (10) Publicity; and
- (11) Any other relevant factors.

(b) Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams, if a public high school operates or sponsors separate teams, do not constitute a violation of this subpart, but in determining violations of this subpart, the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex shall be considered.

§302A- Advisory commission on gender equity in sports. (a) There shall be established within the department of education for administrative purposes only, an advisory commission on gender equity in sports. The advisory commission may consist of seven members appointed by the superintendent of education who shall ensure that the advisory commission represents, to the maximum extent possible, the gender, racial, and ethnic diversity of the State.

(b) The advisory commission shall determine if any school does not exhibit substantial progress toward compliance with Public Law 92-318, Title IX, of the federal Education Amendments of 1972 and section 302A-1001. Based upon its findings and determinations, the advisory commission may make recommendations to the board of education, the superintendent of education, and the legislature.

(c) The advisory commission shall expire three years after the effective date of this Act.

§302A- Equity in athletics; rules and implementation. (a) By July 1, 2001, the superintendent shall define equity in athletics for all public high schools and shall recommend rules for appropriate enforcement mechanisms to ensure

equity. The superintendent shall develop a strategic plan containing recommendations and a timetable to achieve equity. Those recommendations relating to use of existing personnel, equipment, resources, and facilities shall be commenced and continued by the expiration of the advisory commission. The recommendations shall include, but not be limited to:

- (1) A determination of an equitable rate of participation of males and females in athletics at public high schools; and
- (2) A determination of the appropriate use of revenues when making decisions about the equitable use of funds for support of athletic activities. In making this determination, the advisory commission shall consider all funds received and expended for athletic promotion or support, including revenues from direct-support organizations.

(b) Indicators shall be developed and benchmarks shall be established to measure progress toward goals.

§302A- Compliance report. By December 31, 2000, the superintendent of education shall submit to the legislature and the advisory commission on gender equity in sports a report of compliance with Public Law 92-318, Title IX, of the federal Education Amendments of 1972, including a compliance plan with timelines for every public high school, an analysis and assessment of current activities with respect to Title IX compliance, and itemized expenditures for athletics.

§302A- No private right of action. No private right of action at law shall arise under this subpart.

§302A- Applicability. This subpart shall apply to public schools as defined in section 302A-101; provided that it shall apply to grades nine to twelve only.”

SECTION 2. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 3. This Act shall take effect on July 1, 2000.

(Approved June 14, 2000.)