

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

HB483 HD1 RELATING TO CIVIL RIGHTS

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the House Committee on Judiciary

Monday, February 11, 2019, 2:00 p.m.
Conference Room 325

Chair Lee and Members of the Committee:

Good afternoon Chair Lee and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.B. No. 483, H.D. 1, Relating to Civil Rights.

The purpose of this measure is to:

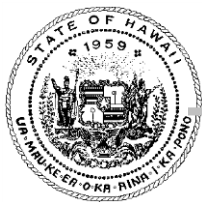
- (1) Extend the deadline for the Bureau to complete its study of existing federal Title IX procedures and enforcement, in addition to examining Title IX corollaries in other jurisdictions; and
- (2) Serve as a means for implementing the recommendations in the study.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

The Bureau acknowledges that the act requiring the study, Act 110, Session Laws of Hawaii 2018, established a report due date of no later than twenty days prior to the convening of the 2019 Regular Session, which was December 27, 2018. Due to an extraordinary amount of additional work during this past interim and the substantial complexity of this study's subject matter, the Bureau has been unable to complete the Title IX

study in the time allotted to it. However, the Bureau is working diligently to complete the study as soon as possible in light of the challenges posed by, among other things; articulating the evolving nature of the federal Title IX enforcement process and the concomitant uncertainty that lies ahead; an unavoidable change to assigned Bureau personnel conducting the study during a critical time in the study process; and the Bureau's current heavy session workload.

Thank you again for the opportunity to submit written comments.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 11, 2019
Rm. 325, 2:00 p.m.

To: Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

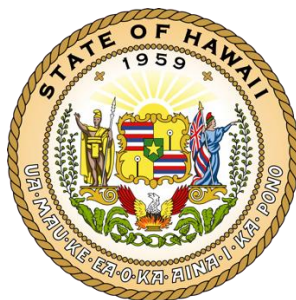
LATE

Re: H.B. No. 483, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports H.B. No. 483, H.D.1, which amends Section 3 of Act 110, Session Laws of Hawaii 2018, to allow the Legislative Reference Bureau (LRB) additional time, to complete its study of existing Title IX enforcement practices and procedures at the federal level and in other jurisdictions, and submit a report to the legislature with findings and recommendations, including proposed legislation regarding an appropriate enforcement mechanism for the newly codified HRS chapter 368D, which goes into effect on January 20, 2020.

Under Act 110, the LRB report and recommendations, including draft legislation providing for enforcement of HRS chapter 368D, was to be submitted twenty days prior to the convening of the 2019 session. H.B. No. 483, H.D.1, should be advanced in order to allow for substantive discussion of the LRB recommendations, keeping alive the possibility that a statutory enforcement scheme can be enacted, to provide for enforcement of HRS chapter 368D, effective January 1, 2020.



Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Judiciary

In Support of HB483 HD1, With Amendments
Monday, February 11, 2019, at 2:00 p.m. in Room 325

Dear Chair Lee, Vice Chairs San Buenaventura, and Honorable Members,

The Hawai'i State Commission on the Status of Women supports HB483 HD1, which would require the Legislative Reference Bureau to submit by 1/24/2019, a report studying how other jurisdictions oversee Title IX enforcement.

Last year, Hawai'i made history by passing HB1489 into Act 110, creating a state analog to the Patsy Mink Equal Opportunity in Education Act (Title IX). The landmark law; however, is incomplete and lacks enforcement procedures and remedies. In light of the Trump administration's revocation of more than twenty Obama-era policy guidelines on anti-discrimination laws, state action is critical. The Commission supports the extension of the LRB deadline to ensure that the new law is enforceable, and does not erode existing Hawai'i civil rights laws.

The Commission requests that the bill be amended to include a deadline for the report that is no later than August 1, 2019. The Commission supports the intent of this measure and respectfully urge the Committee to pass HB483 HD1 with the requested amendment.

Sincerely,

Khara Jabola-Carolus



Executive Director
Adriana Ramelli

ADVISORY BOARD

President
Mimi Beams

Joanne H. Arizumi

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, M.D.

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Lindsay Norcross Mist

Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: February 11, 2019

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

From: Justin Murakami, Manager, Prevention Education and Public Policy
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of H.B. 483 H.D. 1 with Comments
Relating to Civil Rights

Good afternoon Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) supports H.B. 483 H.D. 1, and respectfully offers additional comments for the Committee's consideration.

National and local surveys of educational institutions that receive public funds support that protections against gender-based discrimination, including sexual harassment and violence, are badly needed.

In one study conducted by the American Association of University Women, it was found that sexual harassment is a part of everyday life in middle and high schools, with 48% of students surveyed reporting that they experienced some form of harassment during the school year (56% of female students and 40% of male students). In Hawaii, the University of Hawaii System reported its Climate Survey Report in 2018, which revealed that many students experienced harassment and violence on campus, and have come to expect that it will be a part of their school experience.

Gender-based discrimination in educational programs is a significant barrier to academic, professional, and personal success. Students who experience harassment and sexual violence, in particular, can suffer from stress and trauma resulting in poor academic performance, negative health consequences, social withdrawal, and the decision to defer or discontinue their education altogether.

Act 110 (2018) extended the anti-discrimination rule of the federal Patsy Mink Equal Opportunity in Education Act (Title IX), to state agencies and activities that receive state funds, and directed the Legislative Reference Bureau to perform a study in order to provide guidance and make recommendations as to effective enforcement and remedies. However, the Legislative Reference Bureau was unable to complete the study prior to the 2019 Session.

We respectfully agree with and ask the Committee to implement the amendment to H.B. 483 H.D. 1 requested by the American Association of University Women of Hawaii, for an updated reporting date of August 1, 2019 or earlier, so that input from students and other community stakeholders concerning the study findings and recommendations may be sought in advance of the 2020 Legislative Session.

Thank you for this opportunity to testify in support of H.B. 483 H.D. 1.



of Hawaii

February 10, 2019

From: Hannah Liebreich , Title IX Specialist, Public Policy Committee, AAUW Hawaii
Younghee Overly, Public Policy Chair, AAUW Hawaii

To: Hawaii State House Committee on Judiciary
Hearing Date/Time: February 11, 2019 2:00 PM
Place: Hawaii State Capitol, Rm. 325
Re: Testimony in SUPPORT of HB483

Dear Chair Lee, Vice-Chair San Buenaventura, and Members of the Committee,

Thank you for this opportunity to testify in in strong support of HB483 with amendment. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018, from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019. HB483 HD1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

Hawaii needs a state law which would provide further protection to students based on sex and gender under Title IX.

- Despite overwhelming evidence of sexual harassment in schools, the Civil Rights Data Collection (CRDC) revealed that more than three-fourths (79) of all public school grades 7-12 reported zero incidents of sexual harassment. The math does not add up.¹
- According to the recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across 10 UH campuses:²
 - Native Hawaiian students are particularly vulnerable to all forms of gender violence on campus;
 - 1 in 10 students reported experiencing sexual harassment at any time while enrolled at UH;
 - 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, with 1 in 4 feel that an off-campus, university-sponsored event incident was likely;
 - Lesbian/gay/bisexual students had significantly higher rates of all forms of gender violence than those in other sexual orientation groups;

¹ Yuen, P., "Three-Fourths of Schools Report Zero Incidents of Sexual Harassment in Grades 7-12," Oct. 24, 2017.

² Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.

- And, graduate students are most vulnerable to sexual harassment and non-consensual sexual contact by faculty.

Given these troubling findings, AAUW Hawaii humbly recommends:

- Hawaii State Corollary providing Title IX protection which were provided by 2011 and 2014 Title IX guidance from U.S. Department of Education (USDOE).
- Hawaii State Title IX Corollary, UH and Hawaii DOE regulation which would also provide:
 - More explicit process for notifying parties involved with complaints.
 - More explicit directions regarding how to notifying students of their rights and resources... without being overly prescriptive.
 - Better protections for vulnerable populations identified in 2017 UH Climate Survey Report.
 - Clear definition of “notice” and expectations for reporting (responsible employees)
- Allocation of funds to create equitable locker rooms and other athletic related spaces at Hawaii DOE schools and across UH System.
- Allocation of funds for additional support services (i.e. mental health counselors, advocates and educators).

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Thank you for your time and consideration regarding this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hannah Liebreich', written in a cursive style.

Hannah Liebreich

HB-483-HD-1

Submitted on: 2/8/2019 5:40:59 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 483.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii

To: Hawaii State House of Representatives Committee on Judiciary
Hearing Date/Time: Monday, February 11, 2019, 2:00 pm.
Place: Hawaii State Capitol, Rm. 325
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 483, H.D. 1, relating to Civil Rights

Dear Chair Lee and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 483, H.D.1, which requires the Legislative Reference Bureau to submit by 1/24/2019 a report studying how other jurisdictions oversee Title IX enforcement.

Enforcement of Title IX is urgently needed in light of the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has reversed the federal government's previous interpretation of the prohibition against discrimination based on “sex” that included discrimination based on sexual orientation, and gender identity and expression. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The most recent University of Hawaii Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely.¹ In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.²

Please pass H.B. 483 to take a step closer to ensuring that our state Title X law adequately protects victims of sexual assault and harassment on campus and provides them with the care and justice they deserve.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,
Laurie Field
Hawaii State Director

¹ Loui, P. “University of Hawaii Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary,” Sept. 11, 2017.

² *Id.*



Hawaii Women's Coalition

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Monday, February 11, 2019

TIME: 2:00pm

PLACE: Conference Room 325

STRONG SUPPORT FOR HB483 that extends the deadline for the Legislative Reference Bureau to complete the study to the Legislature on existing federal Title IX enforcement practices and procedures on the federal level and in other jurisdictions.

Aloha Chair Lee, Vice Chair San Buenaventura and members,

HB483 proposes to extend the deadline for the Legislative Reference Bureau to complete the study on the implementation of Title IX directed by Act 110, Session Laws of Hawaii 2018, **from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019.**

HB483 HD1 **eliminated the deadline** for the LRB study. Please restore the deadline **to August 1, 2019 or earlier** so we can **have time to seek input from students** as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

We feel this is matter of some urgency as the Betsy Devos agenda of eliminating rights and protections guaranteed to students under the Patsy T. Mink act are being eroded day by day. The abuse of civil rights in our classrooms was bad before Devos, but under her the threats are greater.

Here are the facts:

Despite overwhelming evidence of sexual harassment in schools, the Civil Rights Data Collection (CRDC) revealed that more than three-fourths (79) of all public school grades 7-12 reported zero incidents of sexual harassment. This is clearly a cover-up, a case of institutions protecting themselves at the expense of students (as was found by the filmmakers of "The Hunting Ground".)

According to the recent University of Hawaii Climate Survey Report, which polled 44,671 adult students across 10 UH campuses:

- Native Hawaiian students are particularly vulnerable to all forms of gender violence on campus;
- 1 in 10 students reported experiencing sexual harassment at any time while enrolled at UH;
- 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, with 1 in 4 feel that an off-campus, university-sponsored event incident was likely;
- Lesbian/gay/bisexual students had significantly higher rates of all forms of gender violence than those in other sexual orientation groups;
- And, graduate students are most vulnerable to sexual harassment and non-consensual sexual contact by faculty.

And as to our DOE public schools a 2014-15 federal compliance review on bullying that included nearly 70,00 students found the following:

- Nearly **40 percent of students** said incidents of bullying they'd experienced or witnessed made them feel unsafe at school.
- The majority of students who reported being bullied at school said that they were harassed based on race, national origin, **sex** or because of a disability.
- More than half of bullying incidents were reported to a teacher or other school employee. Schools took no action to stop the bullying in 15 percent of cases.
- And over half of students who said they reported bullying or harassment were **victimized again** after the initial incident.

In light of these findings, we are asking for:

- A Hawaii State Corollary providing Title IX protection like those provided by 2011 and 2014 Title IX guidance from U.S. Department of Education (USDOE).
- A Hawaii State Title IX Corollary, UH and Hawaii DOE regulation which would also provide:
 - More explicit process for notifying parties involved with complaints.
 - More explicit directions regarding how to notifying students of their rights and resources... without being overly prescriptive.
 - Better protections for vulnerable populations identified in 2017 UH Climate Survey Report.
 - Clear definition of "notice" and expectations for reporting (responsible employees)
 - Allocation of funds to create equitable locker rooms and other athletic related spaces at Hawaii DOE schools and across UH System.
 - Allocation of funds for additional support services (i.e. mental health counselors, advocates and educators).

Please pass this important bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

HB-483-HD-1

Submitted on: 2/9/2019 1:35:28 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gretchen Gould	American Assoc. of University Women	Support	No

Comments:

Mr. Chairman and committee members:

Title IX is a very important statute which was originated by our own Patsy Mink and considered landmark legislation when it was adopted. We in Hawaii should be ashamed if we do not implement this important idea in our own state for the women and girls here, who are important citizens and large contributors to our state.

I can't believe that the legislature would be willing to stall this indefinitely when it is already so overdue. Shame on those who would do so. I have great confidence that you will pass this bill for all of the people of Hawaii.

Mahalo,

Gretchen Gould, Windward Oahu



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY
MONDAY, February 11, 2019, 2:00 p.m., Room 325

HB 1483 HD1 RELATING TO CIVIL RIGHTS
TESTIMONY

Barbara J. Service, Legislative Committee, League of Women Voters of Hawaii

Chair Lee, Vice-Chair Shimabukuro and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 483, with one suggested amendment.

Hawaii is proud of the signature legislation, known as the Patsy Mink Equal Opportunity Act in Education, but Federal protections have been diminished and eroded in the past four years.

Act 110, which passed the Hawaii State Legislature in 2018, prohibited discrimination “based on sex...in any state educational program or activity that receives state financial assistance.....” The law also directed the Legislative Reference Bureau to conduct a study of existing Title IX procedures and enforcement ...and to present a report before the opening of the 2019 legislature. The study is still in progress and this bill would extend submission of the report indefinitely.

The League of Women Voters of Hawaii recommends that the LRB be given a specific timeline for submission of this report, not to exceed August 31, 2019, to address this matter expeditiously.

Thank you for the opportunity to submit testimony.

HB-483-HD-1

Submitted on: 2/10/2019 1:44:04 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-483-HD-1

Submitted on: 2/10/2019 11:03:33 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Midwives Alliance of Hawaii	Midwives Alliance of Hawaii	Support	No

Comments:

We are in strong support of HB483 HD1, with an amendment. HB483 HD1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

HB-483-HD-1

Submitted on: 2/10/2019 9:35:28 AM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Support	Yes

Comments:

Dear Chair Lee, Vice-Chair San Buenaventura, and members of the Judiciary Committee,

Thank you for this opportunity to testify in in strong support of HB483 with amendment. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018, from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019. HB483 HD1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

Bullying and harassment is a serious problem. According to [a Yale study](#), students who are bullied or harassed are two to nine times more likely to consider suicide. According to [a study by USDOE Office of Civil Rights conducted in 2013 and 2014](#), nearly one-third of K-12 students in Hawaii are personally bullied or harassed at school or at school related activities. Of those students who are bullied, 61.7% believe they were bullied because of their race, sex or disability. About half of the students who were bullied reported the incident to a teacher or a school employee; over half of the students who reported the incident were bullied again; and in 14.6% of the cases, the school took no action. The [2017 UH Student Climate Survey on Sexual Harassment and Gender Based Violence](#) shows sexual harassment and assault is a serious problem for college students in Hawaii as well, even more so for the LGBTQ students and graduate students.

Meanwhile, the USDOE under the current federal administration is working to systematically dismantle Title IX protections. After withdrawing Title IX protection for transgender students in February 2017^[1] and reversing 2011 and 2014 Title IX guidance in September 2017^[2], the USDOE announced in November 2018 Notice of Proposed Rulemaking (NPRM), a plan to reverse the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation, and gender identity and expression. USDOE also rescinded its guidance on the investigation of campus sex assaults.^[3]

With erosion of Title IX protection at the federal level, I feel urgency in providing Title IX protection at state level to ensure our young people are protected from harassment and assault.

Please pass HB483 HD1 with amendment to restore the deadline for LRB study on Title IX to August 1, 2019 or earlier. Mahalo for your consideration.

[1] <https://www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-issues-statement-new-title-ix-guidance>

[2] <https://www.ed.gov/news/press-releases/department-education-issues-new-interim-guidance-campus-sexual-misconduct>

[3] <https://www.aauw.org/article/the-attack-on-title-ix/>

HB-483-HD-1

Submitted on: 2/9/2019 11:16:36 AM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Thank you for the opportunity to testify in strong support of HB 483 with Amendments. HB 483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018 , from 20 days before the start of the 2019 Hawaii Legislative Session to January 24, 2019.

HB438 HD 1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

Mahalo,

Caroline Kunitake

HB-483-HD-1

Submitted on: 2/9/2019 1:14:19 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maisa Thayer	Individual	Support	No

Comments:

Aloha Legislatures,

I am a third generation Hawaii Resident from Kaneohe. Thank you for this opportunity to testify in in strong support of HB483 with an amendment. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018, from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019. HB483 HD1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

To: Hawaii State House Committee on Judiciary
Hearing Date/Time: February 11, 2019 2:00 PM
Place: Hawaii State Capitol
Re: Testimony in SUPPORT of HB483 WITH AMENDMENT

Dear Representative Lee, Chair and Members of the Committee,

Thank you for this opportunity to testify in in strong support of HB483 WITH AMENDMENT. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018, from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019. HB483 HD1 eliminated the deadline for the LRB study,

Based on a nationally representative survey of 1,965 students in grades 7–12 conducted by the American Association of University Women (AAUW), sexual harassment is part of everyday life in middle and high schools:

Both UH system and Hawaii DOE were found non-compliant to current federal Title IX law. UH Manoa is under entered Voluntary Resolution Agreement with OCR5 and Hawaii DOE has been sued by ACLU for its discrimination against girls.

Please restore the deadline to August 1, 2019 or earlier. We can't delay the information needed by the legislature to inform the passage of a Title IX bill in the 2020 legislative session.

Sincerely,

Janet Morse
AAUW Hawaii Member

HB-483-HD-1

Submitted on: 2/9/2019 3:16:57 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Jo Morrow	Individual	Comments	No

Comments:

Women vs Men especially ethnic minorities are paid 81% of what white males employees get with the same job requirements. Women of color receive lower wages. This is not equal pay!

Re: HB483 Relating to Civic Rights February 11, 2019 2:00 p.m. Room
Aloha Chair Lee, Vice Chair San Buenaventura and committee
members.

Act 110, which passed in the Hawaii State Legislature in 2019,
“prohibited discrimination based on sex.....in any state educational
program or activity that receives state financial assistance.....”
The law also directed the Legislative Reference Bureau to conduct a
study of existing Title IX procedures and enforcement.....and to
present a report before the opening of the 2019 legislature. The study
is still in progress and this bill extends submission of this report
indefinitely.

Hawaii is proud of the signature legislation, known as the Patsy Mink
Equal Opportunity Act in Education in 2002, but federal protections
have been diminished and eroded.

I strongly support that the LRB be given specific timeline for submission
of its report, not to exceed August 31, 2019, to address this matter
expeditiously.

Thank you for the opportunity to testify.

Barbara J. Service MSW (ret.)

House District 19

Senate district 9

Date: February 10, 2019

To: Representative Chris Lee, Chair
House Committee on Judiciary

From: Joanna Amberger

Subject: Support of HB483 WITH AMENDMENT Relating to Civil Rights

Thank you for this opportunity to testify in in strong support of HB483 WITH AMENDMENT. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018, from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019. HB483 HD1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.

Why is this bill important and urgent?

- The U.S. Department of Education (USDOE) is working to systematically dismantle Title IX protections. After withdrawing Title IX protection for transgender students in February 2017¹ and reversing 2011 and 2014 Title IX guidance in September 2017², the USDOE announced in November 2018 Notice of Proposed Rulemaking (NPRM), a plan to reverse the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation, and gender identity and expression. USDOE also rescinded its guidance on the investigation of campus sex assaults.³
- Once implemented, USDOE November 2018 Title IX NPRM would carry the full force of the law and go well beyond previously published sub-regulatory guidance. The proposed rules seek to change the fundamental paradigms of Title IX compliance that have guided most recipients since 2011, and many since 2001. Regulating Title IX in such an extensive and detailed manner presents significant potential challenges as funding recipients are subject not only to the Office of Civil Rights' (OCR) mandates but also to Title IX and due process case law that is currently evolving at an unprecedented pace.⁴
- Both UH system and Hawaii DOE were found non-compliant to current federal Title IX law. UH Manoa is under entered Voluntary Resolution Agreement with OCR⁵ and Hawaii DOE has been sued by ACLU for its discrimination against girls.⁶
- Based on a nationally representative survey of 1,965 students in grades 7–12 conducted by American Association of University Women (AAUW), sexual harassment is part of everyday life in middle and high schools:⁷

¹ <https://www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-issues-statement-new-title-ix-guidance>

² <https://www.ed.gov/news/press-releases/department-education-issues-new-interim-guidance-campus-sexual-misconduct>

³ <https://www.aauw.org/article/the-attack-on-title-ix/>

⁴ <https://www.campusafetymagazine.com/clery/atixa-comments-title-ix/>

⁵ <https://www.hawaii.edu/news/2018/03/02/title-ix-compliance-review-of-uh-manoa-resolved/>

⁶ <https://www.kitv.com/story/39652078/the-history-of-title-ix-compliance-in-hawaiis-public-schools>

⁷ Hill, C., "Crossing the Line: Sexual Harassment at School," Nov. 2011.

- a. Nearly half (48 percent) of the students surveyed experienced some form of sexual harassment in the 2010–11 school year, and the majority of those students (87 percent) said it had a negative effect on them;
 - b. Girls were more likely than boys to be sexually harassed, by a significant margin (56 percent versus 40 percent);
 - c. Being called “gay” or “lesbian” in a negative way is sexual harassment that girls and boys reported in equal numbers (18 percent of students);
- Despite overwhelming evidence of sexual harassment in schools, the Civil Rights Data Collection (CRDC) revealed that more than three-fourths (79) of all public school grades 7-12 reported zero incidents of sexual harassment. The math does not add up;⁸
- According to the recent University of Hawai‘i Climate Survey Report, which polled 44,671 adult students across 10 UH campuses:⁹
 - a. Native Hawaiian students are particularly vulnerable to all forms of gender violence on campus;
 - b. 1 in 10 students reported experiencing sexual harassment at any time while enrolled at UH;
 - c. 14.7% percent of students at UH perceive sexual assault and harassment to be extremely problematic at UH;
 - d. 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, with 1 in 4 feel that an off-campus, university-sponsored event incident was likely;
 - e. 46% of students perceived that campus officials would treat students who experience sexually harassment or gender violence respectfully, and 49% believed their safety would not be protected;
 - f. 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH;
 - g. Lesbian/gay/bisexual students had significantly higher rates of all forms of gender violence than those in other sexual orientation groups;
 - h. Transgender, genderqueer and non-conforming students were, by a large margin, the most likely to experience nonconsensual sexual contact;
 - i. Graduate students are most vulnerable to sexual harassment and non- consensual sexual contact by faculty;
 - j. High rates of students don’t know what their rights are; where resources are located, etc.
- Hawai‘i has the highest percentage of individuals in the United States who identify as transgender (0.78% or 8,450 residents).¹⁰

⁸ Yuen, P., “Three-Fourths of Schools Report Zero Incidents of Sexual Harassment in Grades 7-12,” Oct. 24, 2017.

⁹ Loui, P. “University of Hawai‘i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary,” Sept. 11, 2017.

¹⁰ Herman, J. “Age of Individuals Who Identify as Transgender in the United States,” The Williams Institute at UCLA, Jan. 2017.

HB-483-HD-1

Submitted on: 2/10/2019 2:41:05 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Barr	Individual	Support	No

Comments:

I would like to submit testimony in support of HB483 WITH AMENDMENT. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act110. Unfortunately, HB483 HD1 eliminated the deadline for the LRB study, Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the fall semester students and provide our input to the legislature for a Title IX bill for the 2020 session. Mahalo

HB-483-HD-1

Submitted on: 2/10/2019 3:09:55 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea pang	Individual	Support	No

Comments:

HB-483-HD-1

Submitted on: 2/10/2019 3:12:31 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer L Stotter	Individual	Support	No

Comments:

Thank you for this opportunity to testify in in strong support of HB483 WITH AMENDMENT. HB483 extended the deadline for the legislative reference bureau to complete the study on Title IX directed by Act 110, Session Laws of Hawaii 2018, from 20 days before the start of the 2019 Hawaii legislative session to January 24, 2019. HB483 HD1 eliminated the deadline for the LRB study. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session. As a mother of a son and daughter in the education system, I believe the need for a state level Title IX bill is imperative, given the upheaval at the federal system and the possibility of civil rights being denied as a result of the current federal rulemaking. I respectfully request the State to continue recognize our strong ties to Congresswoman Mink and to continue to honor her legacy by implementing state-level protections for all children.

To: Hawai'i State House Committee on Judiciary
Hearing Date/Time: Monday, February 11, 2019 (2:00 p.m.)
Place: Hawai'i State Capitol, Rm. 325
Re: Testimony in **SUPPORT of H.B. 483 H.D. 1 WITH AMENDMENTS**, relating to civil rights

Dear Representative Chris Lee (Chair), Representative Joy A. San Buenaventura (Vice Chair), and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of H.B. 483 H.D. 1 WITH AMENDMENTS**, relating to civil rights.

My testimony is informed by many years of work and teaching about violence. Currently, I teach SOC/WS 446 "Gender Violence Over the Lifecycle," and ANTH/WS. "Anthropology of Sexuality" at the University of Hawaii – Manoa online campus. In the past, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and I also trained hotline Advocates to respond skillfully and empathetically to survivors of violence. I provided extensive education to Advocates for Women, and also worked with police, courts, and other service agencies on behalf of survivors.

Based on these experiences, I argue that the State of Hawaii needs to pass a bill providing children in schools with Title IX protections. Schools here are violent, and students deserve access to Title IX officers at each school, and protection from violence. There are many examples of violence in our schools, including a major fight on Windward side that was filmed, and spread online last week. Plus, there are academic peer-reviewed articles documenting the high levels of violence here.

I am tired of the delays in implementing Title IX protections in schools in this state. I am tired of the Hawaii Department of Education putting up barriers and not providing Title IX protections to children here. It is inexcusable, and this report needs to be provided ASAP, in order that some action might occur.

Please, members of the Judiciary Committee do not allow another legislative session to occur without moving forward on Title IX protections here. Last session, it didn't happen, and a report was promised. This session force a report to be produced by the deadline. They have had months to produce it – no excuses!

I request that the bill is amended back to its original form, and a report is generated ASAP, since we have already passed by the date originally promised. We need a deadline for the report, and it needs to be SOON.

Sincerely
Susan J. Wurtzburg
Ph.D.

HB-483-HD-1

Submitted on: 2/10/2019 11:04:25 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I am in strong support of HB483 HD1, with an amendment. Please restore the deadline to August 1, 2019 or earlier so we can have time to seek input from the students as soon as the 2019 fall semester begins and provide our input to the legislature for a Title IX bill for the 2020 legislative session.