

MAR 09 2018

SENATE CONCURRENT RESOLUTION

REQUESTING THAT THE HAWAII STATE DEPARTMENT OF EDUCATION REPORT TO THE LEGISLATURE ON ITS COMPLIANCE WITH THE PATSY MINK EQUAL OPPORTUNITY IN EDUCATION ACT AND THE RESOLUTION AGREEMENT BETWEEN THE HAWAII STATE DEPARTMENT OF EDUCATION AND THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS DATED DECEMBER 20, 2017.

1 WHEREAS, Title IX of the federal Education Amendments of
2 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in
3 Education Act in honor of its principal author, Patsy Takemoto
4 Mink, former Congresswoman from Hawaii, states that "No person
5 in the United States shall, on the basis of sex, be excluded
6 from participation in, be denied the benefits of, or be
7 subjected to discrimination under any education program or
8 activity receiving Federal financial assistance..."; and
9

10 WHEREAS, according to the United States Department of
11 Education Office for Civil Rights, which is responsible for
12 enforcing Title IX, the Hawaii State Department of Education is
13 out of compliance with Title IX; and
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15 WHEREAS, specifically, the United States Office for Civil
16 Rights, in a January 19, 2018, letter to the Hawaii State
17 Department of Education, found that the department was in
18 violation of the following Title IX requirements:
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- 20 (1) Designating a coordinator to carry out Title IX
21 responsibilities and providing notice of the
22 coordinator to students and employees;
23
24 (2) Developing and disseminating a notice of
25 nondiscrimination; and
26



1 (3) Providing appropriate grievance procedures to address
2 complaints; and
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4 WHEREAS, participation in after-school sports enhances
5 girls' leadership skills and boosts their success in academic
6 and collegiate achievement, making them more likely to graduate
7 from high school and score higher on standardized tests; and
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9 WHEREAS, eight of the twenty-three high schools on Oahu
10 lack separate athletic locker facilities for girls, even though
11 they have athletic locker facilities for boys, including
12 Campbell High School, the largest public school in the State
13 with 3,200 students; and
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15 WHEREAS, two out of the ten high schools on Hawaii Island,
16 two of the five high schools on Maui, and one of the three high
17 schools on Kauai also do not have separate athletic locker
18 facilities for girls, even though they have athletic locker
19 facilities for boys; and
20

21 WHEREAS, many girls throughout the State must participate
22 in public school sports using inferior sports facilities and
23 without adequate drinking water or restrooms nearby; and
24

25 WHEREAS, the Hawaii State Department of Education entered
26 into a Resolution Agreement with the United States Department of
27 Education Office for Civil Rights, dated December 20, 2017; and
28

29 WHEREAS, in the Resolution Agreement, the Hawaii State
30 Department of Education agreed to take multiple steps and
31 actions to come into compliance with Title IX, including
32 committing to various reporting requirements to the United
33 States Department of Education Office for Civil Rights; now,
34 therefore,
35

36 BE IT RESOLVED by the Senate of the Twenty-ninth
37 Legislature of the State of Hawaii, Regular Session of 2018, the
38 House of Representatives concurring, that no later than twenty
39 days prior to the convening of each Regular Session, beginning
40 with the Regular Session of 2019, the Department of Education is
41 requested to provide a report to the Legislature detailing its
42 actions to comply with Title IX; and



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2 BE IT FURTHER RESOLVED that the Department of Education's
3 report to the Legislature include, but not be limited to,
4 documentation of:

- 5
6 (1) All actions taken by the Department of Education to
7 comply with Title IX pursuant to the Resolution
8 Agreement;
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10 (2) All actions taken by the Department of Education to
11 comply with Title IX with regard to all athletic
12 facilities, including but not limited to fields,
13 locker rooms, and transportation; and
14
15 (3) All requests for appropriations, positions, and any
16 proposed legislation to comply with the requirements
17 of Title IX; and
18

19 BE IT FURTHER RESOLVED that certified copies of this
20 Concurrent Resolution be transmitted to the Governor, the
21 Chairperson of the Board of Education, and the Superintendent of
22 Education.
23
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OFFERED BY: 

