

JAN 18 2019

A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Title IX of the
2 Education Amendments of 1972 (Title IX), renamed the Patsy Mink
3 Equal Opportunity in Education Act in 2002, triggered a seismic
4 shift in the education landscape by prohibiting discrimination
5 on the basis of sex by any education program of activity
6 receiving federal funds. The legislature also finds that Hawaii
7 is rightfully proud of Patsy Mink's signature legislation, which
8 has given millions of girls and women educational opportunities
9 that were undreamed of before enactment of Title IX, in the
10 classroom and on playing fields; in research, teaching, and
11 graduate schools; and in employment, medicine, law, and other
12 professions.

13 However, the legislature also recognizes that Patsy Mink's
14 celebrated legacy has not been fully realized, and that the
15 efficacy of Title IX federal protections against sex
16 discrimination in education has been diminished and eroded. For
17 these reasons, in 2018 the legislature passed a corollary to



1 Title IX in state law. Act 110, Session Laws of Hawaii 2018,
2 prohibits discrimination on the basis of sex, including sexual
3 orientation, gender identity, or gender expression, in any state
4 educational program or activity, or in any educational program
5 or activity that receives state financial assistance, without
6 regard to whether the educational program or activity also
7 receives federal funds.

8 The law also directs the legislative reference bureau to
9 conduct a study of existing federal Title IX procedures and
10 enforcement in addition to examining Title IX corollaries in
11 other jurisdictions. The legislative reference bureau was to
12 submit its report, including any proposed legislation, in
13 advance of the convening of the regular session of 2019.
14 However, the study is still in progress.

15 Accordingly, the purpose of this Act is to extend the
16 deadline for the legislative reference bureau to complete the
17 study and as a means for implementing the recommendations in the
18 study.

19 SECTION 2. Act 110, Session Laws of Hawaii 2018, is
20 amended by amending section 3 to read as follows:



1 "SECTION 3. The legislative reference bureau shall conduct
2 a study of existing Title IX enforcement practices and
3 procedures on the federal level and in other jurisdictions,
4 including the following:

- 5 (1) A detailed review of enforcement entities responsible
6 for overseeing the investigation and adjudication of
7 complaints under Title IX and related state laws
8 prohibiting discrimination on the basis of sex;
- 9 (2) An examination of issues related to service and
10 standing for bringing applicable complaints;
- 11 (3) A review of the various remedies for violations that
12 may be available to an aggrieved party, including
13 alternative dispute resolution, injunctive relief, and
14 civil damages; and
- 15 (4) An examination of any potential inconsistencies
16 between multiple state and federal compliance mandates
17 and regulatory schemes.

18 No later than [~~twenty days prior to the convening of the~~
19 ~~regular session of 2019,~~] January 24, 2019, the legislative
20 reference bureau shall submit a report to the legislature with
21 findings and recommendations on the foregoing issues, including



1 proposed legislation concerning an appropriate enforcement
2 mechanism for chapter , Hawaii Revised Statutes."

3 SECTION 3: This Act shall take effect upon its approval.
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S.B. NO. 1042

Report Title:

LRB; Education; Civil Rights; Discrimination; Sex; Sexual Orientation; Gender Identity; Gender Expression; Study

Description:

Requires the Legislative Reference Bureau to submit by 1/24/2019, a report studying how other jurisdictions oversee Title IX enforcement.

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