

STAND. COM. REP. NO.

1176

Honolulu, Hawaii

MAR 23 , 2021

RE: H.C.R. No. 12
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.C.R. No. 12 entitled:

"HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO ADDRESS IMPLEMENTATION OF HAWAII'S STATE LAW COROLLARY TO TITLE IX IN LIGHT OF RECENT CHANGES TO FEDERAL TITLE IX REGULATIONS,"

begs leave to report as follows:

The purpose of this measure is to convene an Act 110 Implementation Task Force to address the implementation of Hawaii's state law corollary to Title IX, in light of recent changes to federal Title IX regulations.

Your Committee received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, Hawai'i State Democratic Women's Caucus, The Every Voice Coalition, Imua Alliance, and four individuals. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that, under the previous United States presidential administration, several changes were proposed to Title IX of the federal Education Amendments of 1972, which

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prohibits sex-based discrimination in any school that receives federal money. These changes include reducing the number of complaints involving sexual harassment and other forms of sexual misconduct that currently fall within the purview of Title IX and limit the scope of educational institutions' liability for complaints of sexual harassment.

Your Committee further finds that in response to the intended policy changes, the Legislature passed, and the Governor signed into law, Act 110, Session Laws of Hawaii 2018, which established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or state-funded educational programs or activities, including discrimination based on sexual orientation, gender identity, and gender expression. Your Committee believes that the convening of a task force is needed to examine any conflicts to Hawaii's state law corollary to any recent and future changes to the Title IX regulations to strengthen Hawaii's efforts to end campus-based sexual violence and gender discrimination.

Your Committee has amended this measure by:

- (1) Amending its title to read, "CONVENING A TASK FORCE TO ADDRESS IMPLEMENTATION OF HAWAII'S STATE LAW COROLLARY TO TITLE IX TO STRENGTHEN HAWAII'S EFFORTS TO END CAMPUS-BASED SEXUAL VIOLENCE AND GENDER DISCRIMINATION.";
- (2) Including additional statistics on the prevalence of sexual violence in the United States;
- (3) Including statistics on sexual harassment, stalking, dating violence, and nonconsensual sexual contact in the University of Hawaii System;
- (4) Convening the Act 110 Implementation Task Force to address implementation of Hawaii's state law corollary to Title IX to strengthen Hawaii's efforts to end campus-based sexual violence and gender discrimination;
- (5) Including a representative of the Prevention, Awareness, and Understanding Violence Program of the University of Hawaii System as a member of the Act 110 Implementation Task Force;



- (6) Inviting a representative of the Hawai'i Coalition to End Domestic Violence, Sex Abuse Treatment Center, and Every Voice Coalition to participate in the Act 110 Implementation Task Force;
- (7) Requesting the Act 110 Implementation Task Force to consider certain topics related to sexual violence, gender violence, and protections for transgendered students in Hawaii's public schools in its deliberations;
- (8) Requesting the Act 110 Implementation Task Force to work with student organizations to obtain feedback from survivors of campus-based sexual violence in the course of its deliberations; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 12, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.C.R. No. 12, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Education,


JUSTIN H. WOODSON, Chair



