STAND. COM. REP. NO. 1461

Honolulu, Hawaii

MAR 3 0 2021

RE: S.R. No. 8 S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.R. No. 8, S.D. 1, entitled:

"SENATE RESOLUTION 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,"

begs leave to report as follows:

The purpose and intent of this measure is to convene 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.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i State Coalition Against Domestic Violence, Planned Parenthood Votes Northwest and Hawai'i, AAUW of Hawai'i, Hawai'i Women's Coalition, Democratic Party of Hawai'i Education Caucus, Imua Alliance, Every Voice Coalition, and one individual. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that Title IX of the federal Education Amendments of 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in Education Act in honor of its principal author, former Hawaii Congresswoman Patsy Takemoto Mink, states that "[n]o person in the United States shall, on the basis of sex, be



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excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Your Committee further finds that with the change in federal executive administration in 2016, and again in 2020, interpretation and implementation of Title IX has shifted over time, resulting in a need for action to ensure clarity and consistency at the state Your Committee further finds that Act 110, Session Laws of level. Hawaii 2018, enacted in response to intended policy changes regarding Title IX announced by the United States Department of Education, established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or statefunded educational programs or activities, including discrimination based on sexual orientation, gender identity, and This measure creates a task force to work to gender expression. ensure that the State remains in compliance with Title IX.

Your Committee has amended this measure by:

- Requesting that the task force submit a report to the Legislature prior to the convening of the Regular Session of 2023, in addition to the Regular Session of 2022;
- (2) Changing the requested submission date for the report from twenty days prior to the convening of the Regular Session to forty days prior to the convening of the Regular Session;
- (3) Clarifying language relating to the composition of the task force; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 8, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 8, S.D. 2.



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

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KARL RHOADS, Chair



The Senate Thirty-First Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
5R8,5D1	EDU/HRE, JDC		20	312912021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WI	R) Nay	Excused
RHOADS, Karl (C)		>			
KEOHOKALOLE, Jarrett (VC)		V			
ACASIO, Laura		_ v			
GABBARD, Mike		v			
KIM, Donna Mercado		>			
LEE, Chris		~			
FEVELLA, Kurt					
TOTAL		7	0	Ć) (0
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only <u>one</u> measure per Record of Votes