

Honolulu, Hawaii

MAR 24-2022

RE: H.B. No. 1775
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Education and Higher Education, to which was referred H.B. No. 1775, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify the application of chapter 368D, Hawaii Revised Statutes, and set forth requirements with which entities that have state education programs or activities, or that receive state funding for educational programs or activities, must comply;
- (2) Require annual reporting to the Legislature on the number and types of Title IX cases received by the University of Hawaii, Department of Education, and public charter schools, and other relevant information;
- (3) Establish two full-time equivalent (2.0 FTE) senior advisor positions and one full-time equivalent (1.0 FTE) junior advisor position for the University of Hawaii System to carry out the purposes of this Act; and



- (4) Appropriate funds to the Department of Education and public charter schools to carry out the purposes of this Act.

Your Committees received testimony in support of this measure from the Department of Education, State Public Charter School Commission, University of Hawai'i System, Hawai'i Civil Rights Commission, American Association of University Women of Hawaii, Hawaii Women's Coalition, Children's Action Network Speaks!, Americans for Democratic Action Hawai'i; Rainbow Family 808, The Every Voice Coalition, Planned Parenthood Alliance Advocates-Hawai'i, Hawai'i State Democratic Women's Caucus, Stonewall Caucus of the Democratic Party of Hawaii, and sixteen individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of the Attorney General, Department of Budget and Finance, and one individual.

Your Committees find that combating discrimination on the basis of sex, including gender identity or expression, or sexual orientation, is an ongoing matter of statewide concern. Your Committees further find that, as noted in testimony, the Patsy Takemoto Mink Equal Opportunity in Education Act, otherwise known as Title IX of the Education Amendments of 1972, sets the floor or baseline with respect to anti-discrimination legislation. Your Committees note, however, that shifting federal interpretations, rules, guidance, and executive actions highlight the need for stronger state protections. Accordingly, this measure will promote the fair and equitable treatment of all residents of the State by strengthening the State's Title IX corollary.

Your Committees have amended this measure by:

- (1) Defining the term "educational program or activity" under section 2; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1775, H.D. 2, as amended herein, and recommend



that it pass Second Reading in the form attached hereto as H.B. No. 1775, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Higher Education,



DONNA MERCADO KIM, Chair




MICHELLE N. KIDANI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

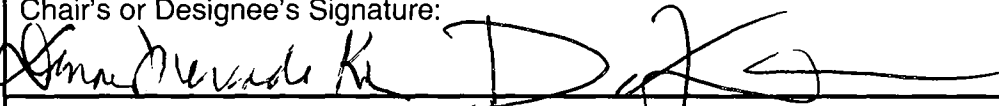
Record of Votes
Committee on Education
EDU

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1775, HD2	EDU/HRE,WAM/JDC	3/16/22
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
KIDANI, Michelle N. (C)	✓	
KIM, Donna Mercado (VC)	✓	
DELA CRUZ, Donovan M.	✓	
KANUHA, Dru Mamo	✓	
FEVELLA, Kurt	✓	
TOTAL	5	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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 one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:* HB1775 HD 2	Committee Referral: EDU/HRE, WAM/JDC	Date: 3/16/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
KIDANI, Michelle N. (VC)	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
WAKAI, Glenn				✓
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				

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