

STAND. COM. REP. NO.

2404

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2636
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 S.B. No. 2636 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) Define the scope and application of chapter 368D, Hawaii Revised Statutes, and set forth requirements with which covered entities must comply; and
- (2) Require annual reporting to the Legislature on certain relevant information and the number and types of Title IX cases received by the Department of Education, public charter schools, and University of Hawaii.

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, The Sex Abuse Treatment Center, Hawai'i Women Lawyers, Hawaii Women's Coalition, and eight individuals. Your Committees received comments on this measure from the Department of the Attorney General.



Your Committees find that this year marks the fiftieth anniversary of the Patsy T. Mink Equal Opportunity in Education Act, otherwise known as Title IX of the Education Amendments of 1972 (Title IX). Title IX has given millions of girls and women educational opportunities that were undreamed of before its enactment, in classrooms and beyond. Your Committees recognize, however, that Congresswoman Mink's celebrated legacy has not yet been fully realized.

Accordingly, your Committees find that this measure is necessary to further promote the protections afforded under Title IX by clarifying the law and requiring annual data reporting from the Department of Education, public charter schools, and University of Hawaii, to ensure that the needs of victims of unlawful sex-based discrimination are properly addressed.

Your Committees have amended this measure by:

- (1) Amending section 1 to reflect its amended purpose;
- (2) Clarifying the scope and construction of the statutory sections added under section 2;
- (3) Deleting certain definitions under section 2;
- (4) Clarifying certain reporting requirements under section 2;
- (5) Clarifying the scope and applicability of section 368D-1, Hawaii Revised Statutes, which prohibits discrimination in educational programs and activities;
- (6) Inserting an appropriation of an unspecified amount for purposes of funding three new positions within the University of Hawaii;
- (7) Inserting appropriations of unspecified amounts for purposes of implementing this measure by the State Public Charter School Commission and the Department of Education;
- (8) Inserting an effective date of July 1, 2050, to encourage further discussion; and



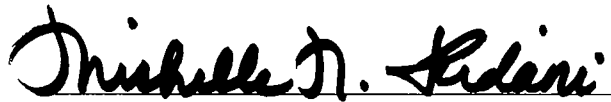
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2636, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2636, S.D. 1, and be referred to your Committee on 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.:* SB 2636	Committee Referral: EDU/HRE, JDC	Date: 2/11/22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 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	←			

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

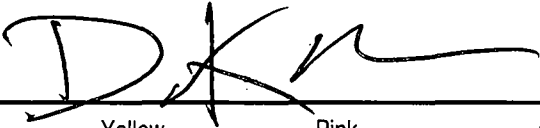
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*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:* SB 2636	Committee Referral: EDU/HRE, JDC	Date: 2/11/22		
<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	3			2
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