



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 5, 2018

**GOV. MSG. NO. 1211**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2018, the following bill was signed into law:

HB1489 HD1 SD2 CD1

RELATING TO CIVIL RIGHTS  
**ACT 110 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
on JUL 05 2018

**ORIGINAL**

**ACT 110**

HOUSE OF REPRESENTATIVES  
TWENTY-NINTH LEGISLATURE, 2017  
STATE OF HAWAII

**H.B. NO.**

1489  
H.D. 1  
S.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1 PART I

2 SECTION 1. The legislature finds that Title IX of the  
3 Education Amendment of 1972 (20 U.S.C. 1681 et seq.) (Title  
4 IX), renamed the Patsy Mink Equal Opportunity in Education Act  
5 in 2002, triggered a seismic shift in the education landscape by  
6 prohibiting discrimination on the basis of sex by any education  
7 program of activity receiving federal funds. The legislature  
8 also finds that Hawaii is rightfully proud of Patsy Mink's  
9 signature legislation, which has given millions of girls and  
10 women educational opportunities that were undreamed of before  
11 enactment of Title IX, in the classroom and on playing fields;  
12 in research, teaching, and graduate schools; and in employment,  
13 medicine, law, and other professions. The legislature  
14 recognizes, however, that Patsy Mink's celebrated legacy has not  
15 been fully realized, and that the efficacy of Title IX federal  
16 protections against sex discrimination in education has been  
17 diminished and eroded. For these reasons, the legislature



1 believes it is time to consider and address the need for a  
2 corollary to Title IX in state law.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Provide for a state corollary to Title IX that  
5 prohibits discrimination on the basis of sex,  
6 including gender identity or expression, or sexual  
7 orientation, in any state educational program or  
8 activity, or in any educational program or activity  
9 that receives state financial assistance, without  
10 regard to whether the educational program or activity  
11 also receives federal funds; and
- 12 (2) Direct the legislative reference bureau to conduct a  
13 study of existing Title IX procedures on the federal  
14 level and in other jurisdictions and recommend  
15 proposed legislation.

16 PART II

17 SECTION 2. The Hawaii Revised Statutes is amended by  
18 adding a new chapter to title 20 to be appropriately designated  
19 and to read as follows:

20 "CHAPTER

21 DISCRIMINATION IN STATE EDUCATIONAL PROGRAMS AND ACTIVITIES



1           **§ -1 State educational programs and activities;**  
2 **discrimination prohibited.** (a) No person in the State, on the  
3 basis of sex, including gender identity or expression as defined  
4 in section 489-2, or sexual orientation as defined in section  
5 489-2, shall be excluded from participation in, be denied the  
6 benefits of, or be subjected to discrimination under:  
7           (1) Any state educational program or activity; or  
8           (2) Any educational program or activity that receives  
9           state financial assistance.  
10           (b) Nothing in this chapter shall preclude a student  
11 participating in any educational program or activity who is  
12 aggrieved by a violation of this chapter from filing a civil  
13 action in a court of competent jurisdiction.  
14           (c) A person, or an organization or association on behalf  
15 of a person alleging a violation of this chapter may file a  
16 complaint pursuant to this chapter.  
17           (d) As used in this section:  
18           "Educational program or activity that receives state  
19 financial assistance" means any educational program or activity  
20 that receives state financial assistance, in any amount, for any



1 purpose. The term does not exclude an educational program or  
2 activity that also receives federal funds.

3 "State educational program or activity" means an  
4 educational program or activity of the University of Hawaii, the  
5 department of education, or public charter schools."

6 PART III

7 SECTION 3. The legislative reference bureau shall conduct  
8 a study of existing Title IX enforcement practices and  
9 procedures on the federal level and in other jurisdictions,  
10 including the following:

- 11 (1) A detailed review of enforcement entities responsible  
12 for overseeing the investigation and adjudication of  
13 complaints under Title IX and related state laws  
14 prohibiting discrimination on the basis of sex;
- 15 (2) An examination of issues related to service and  
16 standing for bringing applicable complaints;
- 17 (3) A review of the various remedies for violations that  
18 may be available to an aggrieved party, including  
19 alternative dispute resolution, injunctive relief, and  
20 civil damages; and



1 (4) An examination of any potential inconsistencies  
2 between multiple state and federal compliance mandates  
3 and regulatory schemes.

4 No later than twenty days prior to the convening of the  
5 regular session of 2019, the legislative reference bureau shall  
6 submit a report to the legislature with findings and  
7 recommendations on the foregoing issues, including proposed  
8 legislation concerning an appropriate enforcement mechanism for  
9 chapter , Hawaii Revised Statutes.

10 PART IV

11 SECTION 4. This Act shall take effect on January 1, 2020;  
12 provided that part III shall take effect on July 1, 2018.

APPROVED this 05 day of JUL 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 1489, HD 1, SD 2, CD 1

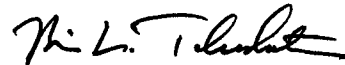
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives





Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate