
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



H.B. NO.

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

Report Title:

Education; Civil Rights; Discrimination; Sex; Sexual Orientation; Gender Identity; Gender Expression; Study

Description:

Prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program or activity, or in any educational program or activity that receives state financial assistance. Requires the Legislative Reference Bureau to study how other jurisdictions oversee Title IX enforcement. Effective 1/1/2020, except study effective 7/1/2018. (HB1489 CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

