



State of Hawaii
Department of Education

Annual Report on Title IX Complaints

September 2024

Act 242, Session Laws of Hawaii 2022, requires the Hawaii State Department of Education to annually report on the number and types of Title IX complaints.

TITLE IX COMPLAINTS ANNUAL LEGISLATIVE REPORT

The Hawaii State Department of Education (Department) is committed to Title IX of the Educational Amendments of 1972 (Title IX) and the tenets that it upholds. In 2020, the federal Title IX regulations were heavily revised to include a specific grievance process that must be complied with should the alleged sexually harassing conduct meet certain criteria. As a result of the 2020 revisions, the Department drafted and implemented Interim Grievance Procedures for Sexual Harassment (Interim Procedures). The Interim Procedures delineate a specific grievance process that reflects the federal requirements to address reports and complaints of sexual harassment.

The 2020 revisions “raised the bar” as to what types of conduct would constitute “sexual harassment” under Title IX. The Department agrees with the Hawaii State Legislature that “ensuring the prohibition of discrimination on the basis of sex, including gender identity or expression, or sexual orientation, is a matter of statewide concern.”¹ To this end, the Department continues to address reports of sexual harassment that do not meet the definitions and requirements of Title IX through other applicable Department policies and procedures. It should be noted that in April 2024, new Title IX regulations were promulgated to become effective on August 1, 2024.

This report provides data on Title IX and non-Title IX sexual harassment complaints for School Year (SY) 2023-2024. The data is further disaggregated by complex area and type. The information reflected in this report is based on the data requirements contained in Act 242.

Specifically, Act 242 requires the Department to include in its report to the legislature the following:

- 1. *The total number of complaints alleging a violation of this chapter or Title IX that were received by the Department, and the number of complaints received in each of the following categories:***
 - A. *The number of complaints received at each department of education complex area as applicable; and***
 - B. *The types of complaints, including but not limited to sexual harassment, gender-based harassment, sexual assault, domestic violence, or stalking.***

The total number of complaints alleging a violation of this chapter (non-Title IX Sex-Based complaints) and Title IX complaints that were received by the Department during SY 2023-2024 was 438.

Non-Title IX Sex-Based Complaints

Student Respondent Data

Sex-based complaints that do not fall under the Title IX process and involve a student as the alleged respondent are addressed by school administrators through applicable rules and policies. The process used to address such reports is Hawaii Administrative Rule Chapter 19 *Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism* (Chapter 19). Chapter 19 governs

¹ See Act 242 (2022).

student misconduct and discipline. Chapter 19 includes a process for student misconduct based on a protected class, including, but not limited to, bullying and cyberbullying, discrimination, and harassment, as well as definitions for what is prohibited protected class conduct.

Student misconduct incidents are inputted into the Department’s student information system, which is referred to as Infinite Campus. Administrators input information regarding the type of misconduct, a summary of alleged conduct, the individuals involved, and disciplinary actions taken. For incidents that are considered discrimination, harassment, bullying, and/or retaliation, Chapter 19 requires that a written notice and summary of the incident be sent to the complainant(s) and respondent(s).

During the 2023-2024 SY, there was a total of 348 non-Title IX sex-related cases that were inputted into Infinite Campus.

Table 1 illustrates the data for the cases inputted into Infinite Campus.

Table 1: Student Respondent – Cases Inputted

Complex Area	Sex Harassment	Gender-Based Harassment	Sexual Exploitation	Stalking	Sex Assault	Total Cases
Aiea-Moanalua-Radford	16	0	0	0	6	22
Baldwin-Kekaulike-Kulanihakoiki-Maui	48	2	1	1	1	53
Campbell-Kapolei	25	2	1	1	3	32
Castle-Kahuku	6	0	1	0	1	8
Farrington-Kaiser-Kalani	11	0	1	0	0	12
Hana-Lahainaluna-Lanai-Molokai	7	0	1	0	0	8
Hilo-Waiakea	6	0	2	0	4	12
Honokaa-Kealakehe-Kohala-Konawaena	33	0	5	0	2	40
Kailua-Kalaheo	6	0	0	0	0	6
Kaimuki-McKinley-Roosevelt	18	0	0	0	0	18
Kapaa-Kauai-Waimea	17	1	1	0	1	20
Kau-Keaau-Pahoa	38	0	0	1	1	40

Complex Area	Sex Harassment	Gender-Based Harassment	Sexual Exploitation	Stalking	Sex Assault	Total Cases
Leilehua-Mililani-Waialua	27	0	0	0	0	27
Nanakuli-Waianae	16	0	0	0	1	17
Pearl City-Waipahu	30	0	3	0	0	33
Overall Totals	304	5	16	3	20	348

Employee Respondent Data

The Department’s Civil Rights Compliance Branch (CRCB) is responsible for ensuring the Department’s overall compliance with federal and state civil rights laws, as well as internal policies and procedures that focus on protected class conduct. As such, one of the CRCB’s responsibilities is to address reports and complaints of discrimination, harassment, bullying, and retaliation on the basis of a protected class, where an employee is the alleged respondent. Protected class conduct includes conduct on the basis of an individual’s sex, gender identity, gender expression, and sexual orientation.

The Department has two board policies that address such conduct: (1) Board of Education Policy #305-10 (BOE Policy #305-10); and (2) Board of Education Policy #900-1 (BOE Policy #900-1). BOE Policy #305-10 is the Department’s anti-harassment, anti-bullying, anti-discrimination against student(s) by employees policy. BOE Policy #900-1 is the Department’s applicant and employee non-discrimination policy.

As explained above, sex-based complaints must meet certain criteria for the Title IX grievance process to apply. Where the Title IX criteria is not met, sex-based complaints are addressed via BOE Policy #305-10 or BOE Policy #900-1, for situations where the alleged respondent was an employee. During the 2023-2024 SY, the CRCB received 54 complaints regarding employee respondents. Of these 54 complaints, 42 complaints addressed BOE Policy #305-10 concerns, and 13 complaints addressed BOE Policy #900-1 complaints. There was an additional BOE Policy #900-1 case that was reported at the state level, resulting in a total of 14 BOE Policy #900-1 complaints. As this report focuses on data aggregated by complex areas, such information relating to this one case was excluded from the tables indicated in the body of the report. It should be noted that one of the complaints indicated both BOE Policy #305-10 and BOE Policy #900-1 concerns.²

For both the BOE Policy #305-10 and BOE Policy #900-1 cases, both categories of cases included complaints that included more than one type of sex-based protected class category. For example, one complaint may have indicated sex, gender identity, and gender expression. Of the 42 BOE Policy #305-10 complaints, all 42 concerned sex harassment. Two of these complaints also included allegations of conduct based on sexual orientation, while another complaint also concerned gender-based conduct. Of the 14 BOE Policy #900-1 complaints, 11 concerned sex harassment. Of these 11 BOE Policy #900-1 complaints, one of the complaints also concerned gender identity. One BOE Policy #900-1 concerned sexual orientation, a

² This accounts for the discrepancy in the total number of employee respondent complaints received with the total of the complaints categorized as BOE Policy #305-10 and BOE Policy #900-1.

second concerned both gender identity and gender expression, while a third BOE Policy #900-1 complaint indicated sexual orientation, gender identity, and gender expression. None of the BOE Policy #305-10 and BOE Policy #900-1 complaints indicated sexual violence or stalking.

Table 2 illustrates the data for BOE Policy #305-10 complaints. Table 3 illustrates the data for BOE Policy #900-1 complaints. Both tables further categorize the data by complex area.

Table 2: BOE Policy #305-10 – Student Complainant v. Employee Respondent (Totals & Case Types)³

Complex Area	Sex	Sex Orientation	Gender Identity	Gender Expression	Sexual Violence	Stalking	Total Cases*
Aiea-Moanalua-Radford	3	1	0	0	0	0	3
Baldwin-Kekaulike-Kulanihakoi-Maui	1	0	0	0	0	0	1
Campbell-Kapolei	2	0	0	0	0	0	2
Castle-Kahuku	4	0	0	0	0	0	4
Farrington-Kaiser-Kalani	10	0	0	0	0	0	10
Hana-Lahainaluna-Lanai-Molokai	1	0	0	0	0	0	1
Hilo-Waiakea	0	0	0	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	4	0	1	1	0	0	4
Kailua-Kalaheo	3	0	0	0	0	0	3
Kaimuki-McKinley-Roosevelt	1	0	0	0	0	0	1
Kapaa-Kauai-Waimea	5	1	0	0	0	0	5
Kau-Keaau-Pahoa	2	0	0	0	0	0	2
Leilehua-Mililani-Waiialua	3	0	0	0	0	0	3
Nanakuli-Waianae	0	0	0	0	0	0	0
Pearl City-Waipahu	3	0	0	0	0	0	3
Overall Totals	42	2	1	1	0	0	42

*NOTE: Cases may have more than one protected class.

³ One complaint could include multiple protected classes, e.g., gender identity, gender expression, and sexual harassment.

Table 3: BOE Policy #900-1 – Employee Complainant v. Employee Respondent (Totals & Case Types)⁴

Complex Area	Sex	Sex Orientation	Gender Identity	Gender Expression	Sexual Violence	Stalking	Total Cases*
Aiea-Moanalua-Radford	0	0	0	0	0	0	0
Baldwin-Kekaulike-Kulanihakoī-Maui	1	0	0	0	0	0	1
Campbell-Kapolei	0	0	0	0	0	0	0
Castle-Kahuku	0	0	0	0	0	0	0
Farrington-Kaiser-Kalani	0	0	0	0	0	0	0
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0	0	0	0
Hilo-Waiakea	1	0	0	0	0	0	1
Honokaa-Kealakehe-Kohala-Konawaena	2	1	0	0	0	0	3
Kailua-Kalaheo	0	0	0	0	0	0	0
Kaimuki-McKinley-Roosevelt	2	0	0	0	0	0	2
Kapaa-Kauai-Waimea	0	0	0	0	0	0	0
Kau-Keaaū-Pāhoā	4	0	1	0	0	0	4
Leilehua-Mililani-Waiālua	0	0	0	0	0	0	0
Nanakuli-Waianae	0	1	2	2	0	0	2
Pearl City-Waipahu	0	0	0	0	0	0	0
Overall Totals	10	2	3	2	0	0	13

*NOTE: Cases may have more than one protected class.

Title IX Sex-Based Complaints

The definition of sex harassment under Title IX is a three-part definition, where “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following: (1) an employee of the Department conditioning the provision of an aid, benefit, or service of the Department on an individual’s participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive, that it effectively denies a person equal access to the Department’s education program or activity; or (3) “sexual assault,” “dating violence,” “domestic violence,” or “stalking.”⁵

During the 2023-2024 SY, the CRCB determined that 36 reports of sex-based complaints either initially met the criteria for the Title IX grievance process or were initially submitted to the CRCB as a formal complaint under the Title IX process.

⁴ One complaint could include multiple protected classes, e.g., gender identity, gender expression, and sexual harassment.

⁵See the Department’s Interim Guidance Procedures for Sexual Harassment. See also 34 CFR §106.30(a). NOTE: part (1) of the definition is often referred to as “quid pro quo” situations.

The majority of the allegations concerned sexual assault (28). Sexual harassment, conduct that is severe, pervasive, and objectively offensive, consisted of eight instances. There was one allegation of dating violence. There were no complaints of “quid pro quo,” domestic violence, or stalking. There were no complaints of gender-based harassment that met the Title IX criteria. There was one complaint that consisted of sexual harassment and sexual assault.

Table 4 illustrates the data for Title IX complaints, further categorized by each complex area.

Table 4: Title IX (Totals & Case Types)^{6,7}

Complex Area	Type: Sex Harassment: Quid Pro Quo	Type: Sex Harassment (Severe, Pervasive, & Objectively Offensive)	Type: Sex Assault	Type: Dating Violence	Type: Stalking	Type: Domestic Violence	Total
Aiea-Moanalua-Radford	0	1	9	0	0	0	10
Baldwin-Kekaulike-Kulanihakoi-Maui	0	0	0	0	0	0	0
Campbell-Kapolei	0	1	1	0	0	0	2
Castle-Kahuku	0	0	0	0	0	0	0
Farrington-Kaiser-Kalani	0	0	1	0	0	0	1
Hana-Lahainaluna-Lanai-Molokai	0	1	0	0	0	0	1
Hilo-Waiakea	0	0	0	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	0	0	0	0	0	0	0
Kailua-Kalaheo	0	1	0	0	0	0	1
Kaimuki-McKinley-Roosevelt	0	3	6	0	0	0	8 ⁸
Kapaa-Kauai-Waimea	0	0	0	0	0	0	0
Kau-Keaau-Pahoa	0	0	4	1	0	0	5
Leilehua-Mililani-Waialua	0	0	0	0	0	0	0
Nanakuli-Waianae	0	0	2	0	0	0	2
Pearl City-Waipahu	0	1	5	0	0	0	6
Overall Totals	0	28	8	1	0	0	36

*NOTE: Cases may have met more than one part of the Title IX definition of sexual harassment.

⁶ Instances of gender-based harassment that met the Title IX criteria would have been categorized under part (2) of the Title IX definition of sexual harassment (where the conduct is severe, pervasive, and objectively offensive). For the 2022-2023 school year, there were no instances of gender-based harassment that met the Title IX criteria.

⁷ As noted below in Table 4, some cases may have met more than one part of the Title IX definition of sexual harassment, where one complaint may have been counted for multiple Title IX sex harassment categories (e.g., the same case counted for both sexual assault and the severe, pervasive, and objectively offensive categories).

⁸ One of the complaints in this complex met more than one part of the Title IX definition of sexual harassment (severe, pervasive, and objectively offensive and sexual assault).

2. Of the total number of complaints reported for each complex area, the number of complaints involving:

- A. A student complainant and a student respondent;**
- B. A student complainant and an employee respondent;**
- C. An employee complainant and an employee respondent; and**
- D. An employee complainant and a student respondent.**

Non-Title IX Sex-Based Complaints

Student Respondent Data⁹

There were 304 non-Title IX student-to-student cases and 22 non-Title IX cases involving an employee victim and student respondent. Furthermore, there were 22 cases where it was unclear who the victim was, resulting in the role of the “victim” unable to be determined. Examples of these situations included a student making a comment of a sexual nature in class (the comment was not directed towards any specific individual), a situation where a student was watching a video with sexually explicit content in class, and a situation where a student drew sexually explicit content on their arm.

Table 5 illustrates the data regarding the parties’ statuses for non-Title IX sex-based complaints, where a student was identified as the respondent, further categorized by complex area.

Employee Respondent Data

As stated above, there were 42 BOE Policy #305-10 complaints, where a student was identified as the complainant, and an employee was identified as the respondent.

There were 13 BOE Policy #900-1 complaints where both the complainant and the respondent were identified as employees.

Table 5 illustrates the data regarding the parties’ statuses for non-Title IX sex-based complaints, further categorized by complex area.

⁹ For some of the cases concerning student respondents, the role of the “victim” was not inputted. For these cases, the incident summaries were manually reviewed to determine whether the “victim” was another student or an employee. The totals included in Table 5 were based on the manual review.

Table 5: Non-Title IX Sex-Based Cases (Party Status)^{10 11}

Complex Area	Student v. Student*	Student v. Employee	Employee v. Employee	Employee v. Student*	Total
Aiea-Moanalua-Radford	21	3	0	1	25
Baldwin-Kekaulike-Kulanihakoī-Maui	42	1	1	5	49
Campbell-Kapolei	27	2	0	4	33
Castle-Kahuku	6	4	0	0	10
Farrington-Kaiser-Kalani	11	10	0	1	22
Hana-Lahainaluna-Lanai-Molokai	5	1	0	2	8
Hilo-Waiakea	11	0	1	0	12
Honokaa-Kealakehe-Kohala-Konawaena	33	4	3	3	43
Kailua-Kalaheo	6	3	0	0	9
Kaimuki-McKinley-Roosevelt	18	1	2	0	21
Kapaa-Kauai-Waimea	18	5	0	0	23
Kau-Keaau-Pahoa	36	2	4	1	43
Leilehua-Mililani-Waiālua	24	3	0	3	30
Nanakuli-Waianae	15	0	2	2	19
Pearl City-Waipahu	31	3	0	0	34
Overall Totals	304	42	13	22	381

*Note: The totals for both of these columns account for the cases inputted in Infinite Campus and include incidents of sexual harassment, gender-based harassment, sexual exploitation, stalking, and sexual assault.

Title IX Sex-Based Complaints

Of the 36 Title IX complaints received 26 of the complaints involved situations where both the complainant and the respondent were students. Six complaints concerned a student complainant against an employee respondent, and one complaint concerned an employee complainant and an employee respondent. There were no complaints concerning an employee complainant and a student respondent. There were three complaints which concerned student complainants, but the identity of the respondent could not be determined. For these situations, no investigation was initiated, and the situations were monitored.

Table 6 illustrates the data regarding the parties' statuses for Title IX complaints, further categorized by complex area.

¹⁰ Not all cases inputted into Infinite Campus, indicated the role of the "victim." For those cases, a manual review of the incident summary was conducted to determine the role of the "victim." Upon this review, there were 22 cases where the role of the "victim" could not be determined. e.g., the conduct was not directed towards a specific individual(s).

¹¹ The following complexes had cases where the role of the "victim" could not be determined: Baldwin-Kekaulike-Kulanihakoī-Maui, Campbell-Kapolei, Castle-Kahuku, Hana-Lahainaluna-Lanai-Molokai, Hilo-Waiakea, Honokaa-Kealakehe-Kohala-Konawaena, Kapaa-Kauai-Waimea, Kau-Keaau-Pahoa, Pearl City-Waipahu.

Table 6: Title IX (Party Status)

Complex Area	Student v. Student	Student v. Employee	Employee v. Employee	Employee v. Student	Student v. Unknown	Total
Aiea-Moanalua-Radford	6	4	0	0	0	10
Baldwin-Kekaulike-Kulanihako-Maui	0	0	0	0	0	0
Campbell-Kapolei	2	0	0	0	0	2
Castle-Kahuku	0	0	0	0	0	0
Farrington-Kaiser-Kalani	0	1	0	0	0	1
Hana-Lahainaluna-Lanai-Molokai	0	1	0	0	0	1
Hilo-Waiakea	0	0	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	0	0	0	0	0	0
Kailua-Kalaheo	1	0	0	0	0	1
Kaimuki-McKinley-Roosevelt	8	0	0	0	0	8
Kapaa-Kauai-Waimea	0	0	0	0	0	0
Kau-Keaau-Pahoa	5	0	0	0	0	5
Leilehua-Mililani-Waialua	0	0	0	0	0	0
Nanakuli-Waianae	1	0	0	0	1	2
Pearl City-Waipahu	3	0	1	0	2	6
Overall Totals	26	6	1	0	3	36

3. Of the total number of complaints for each complex area, the number of complaints which:

- A. An investigation was commenced, but a decision has not yet been rendered;**
- B. An investigation was completed and a decision was rendered; and**
- C. A party has filed an appeal, and the appeal is pending.**

Non-Title IX Sex-Based Complaints

Student Respondent Data

As previously stated, there were 348 cases inputted into Infinite Campus during the 2022-2023 SY. A decision was rendered for 336 cases. There were 12 cases where information in Infinite

Campus indicated that the investigation was still in progress. The data indicated that no appeals were submitted for any of the cases.

Table 7 illustrates the data of non-Title IX sex-based complaints for student respondents, further categorized by complex area.

Table 7: Non-Title IX Sex-Based Cases (Student Respondents)

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Totals
Aiea-Moanalua-Radford	0	22	0	22
Baldwin-Kekaulike-Kulanihakoii-Maui	3	50	0	53
Campbell-Kapolei	0	32	0	32
Castle-Kahuku	0	8	0	8
Farrington-Kaiser-Kalani	1	11	0	12
Hana-Lahainaluna-Lanai-Molokai	0	8	0	8
Hilo-Waiakea	0	12	0	12
Honokaa-Kealahake-Kohala-Konawaena	1	39	0	40
Kailua-Kalaheo	0	6	0	6
Kaimuki-McKinley-Roosevelt	0	18	0	18
Kapaa-Kauai-Waimea	1	19	0	20
Kau-Keaau-Pahoa	3	37	0	40
Leilehua-Mililani-Waiialua	1	26	0	27
Nanakuli-Waianae	1	16	0	17
Pearl City-Waipahu	1	32	0	33
Overall Totals	12	336	0	348

Employee Respondent Data

Of the combined 54 complaints where an employee was the identified respondent, 30 were still in the investigation portion of the process. Notably, seven complex areas had at least one case where the investigation had been completed but a decision had not yet been rendered. There were 11 complaints where a decision was rendered. No requests for appeals were submitted.

Table 8 illustrates the data for the non-Title IX sex-based complaints, further categorized by complex area.

Table 8: Non-Title IX Sex-Based Complaints (Employee Respondents) (Grievance Process Status)

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Combined 305-10 and 900-1 Totals
Aiea-Moanalua-Radford	2 ¹²	1	0	3
Baldwin-Kekaulike-Kulanihakoi-Maui	0	1	0	2 ¹³
Campbell-Kapolei	2	0	0	2
Castle-Kahuku	1	1	0	4 ¹⁴
Farrington-Kaiser-Kalani	8	1	0	10 ¹⁵
Hana-Lahainaluna-Lanai-Molokai	0	1	0	1
Hilo-Waiakea	0	0	0	1 ¹⁶
Honokaa-Kealakehe-Kohala-Konawaena	3 ¹⁷	2	0	7 ¹⁸
Kailua-Kalaheo	2 ¹⁹	1	0	3
Kaimuki-McKinley-Roosevelt	1 ²⁰	0	0	3 ²¹
Kapaa-Kauai-Waimea	4 ²²	1	0	5
Kau-Keaau-Pahoa	3 ²³	1	0	5 ²⁴
Leilehua-Mililani-Waiialua	1	1	0	3 ²⁵
Nanakuli-Waianae	0	0	0	2 ²⁶

¹² At the time of this writing, the investigation for one of these cases had been completed, but a decision had not yet been rendered.

¹³ One of the complaints received for this complex was considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up, if any.

¹⁴ Two of the complaints received for this complex were considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up, if any.

¹⁵ One of the complaints received for this complex was considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up, if any.

¹⁶ For the complaint received for this complex, it was considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up, if any.

¹⁷ At the time of this writing, the investigation for two of these cases had been completed, but decisions have not yet been rendered.

¹⁸ Two of the complaints received for this complex were considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up, if any.

¹⁹ At the time of this writing, the investigation for one of these cases had been completed, but a decision has not yet been rendered.

²⁰ At the time of this writing, the investigation for one of these cases had been completed, but a decision has not yet been rendered.

²¹ Two of the complaints received for this complex were considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up, if any.

²² At the time of this writing, the investigation for one of these cases has been completed, but a decision has not yet been rendered.

²³ At the time of this writing, the investigation for one of these cases had been completed, but a decision has not yet been rendered.

²⁴ One of the complaints received for this complex was considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up.

²⁵ One of the complaints received for this complex was considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up.

²⁶ Two of the complaints received for this complex were considered “non-jurisdictional” (not based on a protected class) and referred to the applicable office for follow-up.

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Combined 305-10 and 900-1 Totals
Pearl City-Waipahu	2 ²⁷	0	0	3
Overall Totals	30	11	0	54

Title IX Sex-Based Complaints

Of the 36 Title IX complaints, 8 are still in progress and are either in the investigation or decision-making portion of the Title IX grievance process.²⁸ Seven cases are closed, where the Title IX grievance process has concluded, a decision has been rendered, and either no request for an appeal was submitted, or where there was an appeal was submitted, the appeal was completed. The remaining cases were dismissed under Title IX for various reasons²⁹; or the Title IX process was not initiated, *e.g.*, the complainant declined to submit a formal complaint, and such request was honored, or the identity of the respondent could not be determined. When dismissed from Title IX, the case was reassigned to be addressed via other applicable policies and/or procedures.

Table 9 illustrates the data for Title IX complaints, further categorized by complex areas.

Table 9: Title IX (Grievance Process Status)

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Total
Aiea-Moanalua-Radford	0	2	0	10 ³⁰
Baldwin-Kekaulike-Kulanihakoī-Maui	0	0	0	0
Campbell-Kapolei	0	0	0	2 ³¹
Castle-Kahuku	0	0	0	0
Farrington-Kaiser-Kalani	0	1	0	1
Hana-Lahainaluna-Lanai-Molokai	1	0	0	1
Hilo-Waiakea	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	0	0	0	0
Kailua-Kalaheo	1	0	0	1

²⁷ At the time of this writing, the investigation for one of these cases had been completed, but a decision has not yet been rendered.

²⁸ Of these eight cases, six are in the investigation portion and two are in the decision-making portion of the Title IX grievance process.

²⁹ When applicable, the case was reassigned to be addressed via other applicable policies and/or procedures.

³⁰ Eight of the Title IX complaints for the Aiea-Moanalua-Radford complex were dismissed under Title IX. Seven were reassigned to be addressed through other applicable processes. The respondent in the remaining case disenrolled from a Department school and enrolled in a non-Department school.

³¹ Both of the Title IX complaints in the Campbell-Kapolei complex were dismissed under Title IX and reassigned to other applicable processes.

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Total
Kaimuki-McKinley-Roosevelt	2	0	0	8 ³²
Kapaa-Kauai-Waimea	0	0	0	0
Kau-Keaau-Pahoa	1	5	0	5
Leilehua-Mililani-Waiialua	0	0	0	0
Nanakuli-Waianae	1	0	0	2 ³³
Pearl City-Waipahu	2	0	0	6 ³⁴
Overall Totals	8	7	0	36

4. The percentage of teachers, counselors, principals, and vice-principals, disaggregated by complex area, who have completed a training course on the Department’s Title IX policies and procedures and on any other policies and procedures adopted by the Department in accordance with this chapter.

During December 2023 and February 2024, TNG/ATIXA (Association for Title IX Administrators) provided a total of eight days of in-person training for the CRCB specialists, other Department employees, and representatives from the Attorneys’ General Office. Representatives and the Charter School Commission³⁵ were also invited to these training opportunities.

The December 2023 trainings focused on various topics, which included:

- “Investigator Foundations for K12 Foundations”

This session focused on the 2020 Title IX requirements for addressing reports and complaints of sexual harassment. This included the steps to take once a report of sexual harassment is received and the investigation, decision-making, and appeals portions of the grievance process. Interviewing skills and types of evidence were also discussed.
- “Investigation Report Writing for K12 Education”

This session focused on investigation report writing for Title IX cases.
- “Title IX Decision-Making for K12 Education”

This session focused on the decision-making portion of the 2020 Title IX grievance process. It included sections on the decision-makers' responsibilities, conflicts of interest and bias, evidence review, credibility assessment, policy application, and findings and determinations.

³² Six of the Title IX complaints for the Kaimuki-McKinley-Roosevelt complex were dismissed for purposes of Title IX and referred to other applicable processes.

³³ One of the Title IX complaints for the Nanakuli-Waianae complex was not initiated because the identity of the respondent could not be identified.

³⁴ One of the Title IX complaints for the Pearl City-Waipahu complex was dismissed and referred to other applicable processes. Three complaints were not initiated, as either the identity of the respondents could not be identified (2) or the parent declined to submit a formal complaint (1) and such request was honored.

³⁵ The Equity Specialist for the Charter School Commission also attended the trainings.

- “Title IX Compliance and Athletics for K12 Schools and Districts”

This session focused on gender equity in athletics, as well as additional Title IX issues and concerns related to athletics, including transgender athletes, pregnancy and athletics, sex discrimination, sexual harassment, sexual violence, and intimate partner violence in sports.

Table 10 illustrates the training dates and participation numbers for the December 2023 training.

Table 10: Training – December 2023 Participation Numbers

December 2023 Trainings		
Date	Training Topic	Total
December 05, 2023	K12 Investigator	24 (CRCB, Attorneys’ General, Charter School Commission)
December 06, 2023	K12 Report Writing	23 (CRCB, Attorneys’ General, Charter School Commission)
December 07, 2023	K12 Decision-Making	24 (CRCB, Attorneys’ General, Charter School Commission)
December 08, 2023	K12 Athletics (Gender Equity)	72 (CRCB, Attorneys’ General, Charter School Commission, Athletic Directors, principals, complex and state level administrators)

February 2024 focused on a variety of topics, including;

- The “Intersection of the Americans with Disabilities Act (ADA), Section 504 and the Individualized Disabilities Education Act (IDEA).”

This training topic included a section regarding student discipline under IDEA and its intersection with Title IX, as well as a section concerning pregnancy and related conditions and Title IX implications.

- “NPriMer’ for K12 Education: What to Expect with the Forthcoming Title IX Regulations and Hot Topics”

This training focused on the proposed revisions to the federal Title IX regulations and what K12 jurisdictions should expect regarding revised procedures to address allegations of sex-based conduct once the revisions are finalized.

- “Discrimination Under Federal and State Civil Rights Laws”

This session focused on the various federal civil rights laws, including Title IX, the elements of a disparate treatment discrimination allegation, and how to address and investigate such claims.

- “Pregnancy, Parenting, and Related Conditions Workshop”

This session focused on pregnancy discrimination and its intersection with the current and proposed Title IX rules. The training included a discussion of accommodations/supports and case studies.

- “Rationale Writing Workshop”

This session focused on the components of the written determination (by the decision-maker), and credibility concerns.

The “Pregnancy, Parenting, and Related Conditions Workshop” and the “Rationale Writing Workshop” were half-day sessions that were held on the same day.

Table 11 illustrates the training dates and participation numbers for the trainings that were held for the February 2024 training opportunities.

Table 11: Training – February 2024 Participation Numbers

February 2024 Trainings		
Date	Training Topic	Total
February 06, 2024	Intersection with ADA, Section 504, and IDEA for K12 Education	24 (CRCB, Attorneys’ General, Charter School Commission)
February 07, 2024	“NPriMer” for K12 Education: What to Expect with the Forthcoming Title IX Regulations & Hot Topics	25 (CRCB, Attorneys’ General, Labor Relations & Investigations Section, Charter School Commission)
February 08, 2024	Discrimination Under Federal and State Civil Rights Laws	25 (CRCB, Attorneys’ General, Investigations Section, Charter School Commission)
February 09, 2024	Pregnancy, Parenting, and Related Conditions Workshop Rationale Writing Workshop	23 (CRCB, Attorneys’ General, Charter School Commission)

The Department also worked with TNG/ATIXA to provide additional virtual training to the CRCB specialists and in-person training to school, complex, and state-level administrators during the Summer of 2024. These trainings occurred in July and August 2024.

The July 2024 training consisted of two half-day virtual sessions focused on “Implementing the 2024 Title IX Regulations for K12 Schools and Districts.”

Presenters discussed the 2024 Title IX requirements, including ongoing litigation concerning the 2024 Title IX revisions, the expanded scope of Title IX, terminology and definitions, the revised grievance process to address complaints of sex discrimination, and pregnancy and related conditions. The CRCB specialists and the Equity Specialist from the Charter School Commission were training attendees for the virtual sessions.

Table 12 illustrates the training dates and participation numbers for the July 2024 virtual training sessions.

Table 12: Training – July 2024 Participation Numbers (Two half-day virtual sessions)

July 2024 Trainings “Implementing the 2024 Title IX Regulations for K12 Schools and Districts”	
Date	Total
July 08, 2024	19
July 10, 2024	19

In preparation for the implementation of the new 2024 Title IX Regulations, TNG/ATIXA was contracted to provide Title IX training. Therefore, in August 2024, TNG/ATIXA conducted in-person training for school, complex, and state-level administrators. The goal was to have at least one administrator from each school attend this training. The training topic for these in-person sessions was “Title IX Coordinator Foundations for K12.” Presenters discussed the revised 2024 Title IX requirements for addressing complaints of sex discrimination. In addition to school and complex-level administrators, district and state-level administrators also attended the in-person training. The August 2024 training session dates were³⁶:

1. August 9, 2024 (Oahu – Central District)
2. August 12, 2024 (Hawaii Island – East Hawaii)
3. August 13, 2024 (Hawaii Island – West Hawaii)
4. August 15, 2024 (Oahu – Windward District)
5. August 15, 2024 (Oahu – Leeward District)
6. August 19, 2024 (Oahu – Leeward District)
7. August 19, 2024 (Maui)
8. August 20, 2024 (Oahu – Honolulu District)
9. August 20, 2024 (Maui)

Although training sessions were located in complex areas across the State, participants could register for the one that best accommodated their scheduling needs.

It should be noted that the Kapaa-Kauai-Waimea complex area administrators were not trained in August 2024. The Department is currently working with TNG/ATIXA to return in September 2024 or October 2024 to provide in-person training to the Kapaa-Kauai-Waimea complex area administrators and conduct at least one make-up session for school-level administrators who were unable to attend the August 2024 training dates. In addition, the Equity Specialists will also receive additional training in Title IX.

Table 13 illustrates the training dates and participation numbers for the August 2024 in-person training sessions.

Table 13: Training – August 2024 Participation Numbers (in-person sessions)

August 2024 Trainings “Title IX Coordinator Foundations for K12”	
Complex Area	Total
Aiea-Moanalua-Radford	24
Baldwin-Kekaulike-Kulanihakoi-Maui	25
Campbell-Kapolei	26
Castle-Kahuku	15
Farrington-Kaiser-Kalani	34
Hana-Lahainaluna-Lanai-Molokai	14
Hilo-Waiakea	13

³⁶ TNG/ATIXA provided multiple trainers so that more than one training session could be held on the same day.

Complex Area	Total
Honokaa-Kealakehe-Kohala-Konawaena	21
Kailua-Kalaheo	16
Kaimuki-McKinley-Roosevelt	33
Kapaa-Kauai-Waimea	Training to be held in September 2024 or October 2024
Kau-Keaau-Pahoa	5
Leilehua-Mililani-Waialua	27
Nanakuli-Waianae	15
Pearl City-Waipahu	21
Complex Total	289
State and District Level Participants	
State Level	19
Central District	2
Honolulu District	5
Leeward District	4
State and District Total	30
Overall Total	319

On August 14, 2024, TNG/ATIXA also presented to the Department’s Leadership team, which consists of the Superintendent, Deputy Superintendents, Assistant Superintendents, and Complex Area Superintendents. This half-day session, “Title IX Compliance Essentials,” provided a condensed overview of the 2024 Title IX requirements.

The CRCB is currently working with TNG/ATIXA to provide web-based training on Title IX Regulations for all Department employees and charter school employees. Briefly, the training is comprised of learning modules that will provide an overview of Title IX, its scope, the Title IX definitions of sex harassment, how employees should initially respond to reports of sex harassment, and reporting requirements. ATIXA’s learning module system will also allow the Department to track employees’ progress in completing the learning modules.