

**PRESENT AND FUTURE FEMALE STUDENTS AT CAMPBELL HIGH SCHOOL:  
THIS NOTICE AFFECTS YOUR RIGHTS – PLEASE READ IT CAREFULLY**

A proposed settlement has been reached in a class action lawsuit on behalf of **present and future Campbell High School female students who participate, seek to participate, and/or are or were deterred from participating in athletics at Campbell** (“Class Members”). The case was filed on December 6, 2018 in federal court against Defendants Hawaii Department of Education (“DOE”) and Oahu Interscholastic Association (“OIA”) (together, “Defendants”) alleging sex discrimination in athletics under Title IX. The lawsuit, *A.B. v. Hawaii State Department of Education*, Case No. 1:18-cv-00477-LEK-RT, alleged:

- Defendants unlawfully denied female students opportunities to participate in sports on an equal level with male students; AND
- Defendants unlawfully denied female students athletic facilities, coaching, competition opportunities, and other athletic benefits on an equal level with male students; AND
- DOE unlawfully retaliated against female athletes because of complaints they made about this unequal treatment for girls.

The Court authorized this notice because Class Members have a right to know about a proposed settlement of a class action lawsuit before the Court decides whether to approve the proposed settlement. On October 27, 2023, the U.S. District Court of Hawaii preliminarily approved a settlement in this case. **The Court will hold a hearing to discuss the settlement on February 16, 2024 at 10:30a.m., in Courtroom Aha Nonoi at the courthouse address below. Class Members may attend the hearing. Class Members may send comments about the settlement before the hearing. Please postmark any comments by February 9, 2024 and mail to:**

United States District Judge Leslie E. Kobayashi  
United States District Court - District of Hawai`i  
300 Ala Moana Blvd. #C-423  
Honolulu, HI 96850  
Re: A.B., et al. v. DOE, et al.

**Mailed comments should include:**

Case Name: *A.B., et al. v. DOE, et al.*

Title of Document: Comment to Class Settlement

Your Information: Name, Address, Telephone Number

**Class Members may ask to speak in Court about the settlement. To do so, you must postmark a letter to the Court address above by February 9, 2024 and include:**

Title of Document: Notice of Intention to Appear in *A.B., et al. v. DOE, et al.*, Case No. 1:18-cv-00477-LEK-RT

Your Information: Name, Address, Telephone Number, Signature

Lawyers for Class Members (“Class Counsel”): ACLU of Hawai`i, Legal Aid at Work, Simpson Thacher & Bartlett LLP.

**If you have any questions about the case, contact:**

Jongwook “Wookie” Kim  
ACLU of Hawai`i, P.O. Box 3410, Honolulu, HI 96801  
808-522-5905, [wkim@acluhawaii.org](mailto:wkim@acluhawaii.org)

Complete copies of court papers are available from the Class Counsel contact above.

7-Year Compliance Plan: The Court entered a 7-year Compliance and Monitoring Plan requiring Defendants to provide equal opportunities, treatment, and benefits to Class Members and requiring that Class Members not be retaliated against for raising complaints about gender equity to Defendants. The settlement agreement can be found at:

<https://www.acluhi.org/en/cases/ab-et-al-v-hawaii-doe-and-oia>. Class Counsel will monitor Defendants’ compliance with this Plan and the Court will maintain oversight of this case until at least October 7, 2030, unless either side requests the Court to change this time period.

## SUMMARY OF RELIEF

**Independent Evaluator:** Defendants have retained an Independent Evaluator to help ensure Campbell High School complies with Title IX: Philip Catanzano, 617-305-2126, [phil.catanzano@edusportslaw.com](mailto:phil.catanzano@edusportslaw.com).

**Reports & Site Visits:** The Independent Evaluator will provide one Interim Report and one Annual Report for each year of the Compliance and Monitoring Period. These reports will cover issues such as gender equity among athletic participation opportunities, recruitment of coaches, equipment and supplies, scheduling of games and practice times, travel, coaching, locker rooms, athletic and practice facilities, medical facilities, publicity and marketing, support services, and fundraising. The Independent Evaluator will conduct site visits in December 2023, spring 2024, and subsequently annually. Class Counsel is permitted to attend these site visits.

**Athletic Opportunities:** The Independent Evaluator will assist Campbell High School and OIA in developing a student survey to assess girls' interest in playing sports. Counsel will meet after the initial survey results to discuss implementing additional athletic opportunities for girls at Campbell High School. This survey will be conducted on an annual basis. If there is sufficient interest and demand for additional girls' sports, the OIA will take appropriate action to introduce and initiate a new sport and/or levels of competition to meet such interest.

**Treatment and Benefits:** Defendants will ensure that when providing funding, and/or impacting treatment and benefits among female athletes, such treatment and benefits are gender-equitable consistent with Title IX, regarding, among other things, recruitment of coaches or other professional personnel, equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, academic support, locker rooms, practice and competitive facilities, medical training facilities and services, housing and dining, publicity, support services, and fundraising. Some additional terms apply to OIA regarding, among other things, competition schedules and facilities, publicity and promotion, and travel.

**Input from Coaches:** Each fall-winter of the Monitoring and Compliance Period, the Independent Evaluator will conduct surveys and interviews of the head coaches of each team to ask about the athletic benefits for each team.

**Input from Community:** The Independent Evaluator will visit Campbell High School by December 2023 to meet with interested students and parents. The Independent Evaluator will also speak with members of the OIA, DOE, Hawaii Legislature (if requested), or other relevant parties.

**Training:** The Independent Evaluator will provide annual Title IX athletics training to Campbell High School's administration and athletics leadership, and to representatives from Defendants. The DOE will, with the Independent Evaluator, also develop and incorporate a Title IX athletic training video into its required training videos.

**Assessment Forms:** The Independent Evaluator will develop a Title IX assessment form that OIA member schools will be required to complete annually to maintain "Good Standing" as a condition of their continued membership in the OIA.

**Complaints:** Campbell High School will create a reporting mechanism for students to report any gender equity concerns via a hotline and/or online portal. These concerns will be shared with the Independent Evaluator monthly. The Independent Evaluator will discuss potential remediation and monitor the issue until it is resolved. The OIA will create and implement policies and procedures regarding complaints of unequal treatment in athletics and/or retaliation.

**Retaliation:** Retaliation is prohibited against anyone reporting a gender equity concern, making a Title IX complaint, or cooperating with the Independent Evaluator.

**Release of Claims:** The settlement agreement releases any and all claims against Defendants which Class Members have or could have brought based on the events giving rise to this case.