

Agenda Item V.A, Committee Action on Committee recommendation concerning the following policies in the Board's proposed 400-900 policy series: E-400 Board of Education Governance (new Board Policy); 400.1 Board of Education Roles and Responsibilities (formerly Board Policy 1200-1.5); 400.2 Policies and Policy-Setting (formerly Board Policy 1200-1.3 and 1200-1.6); 400.3 Implementation of Board of Education Policy (formerly Board Policy 2050); 400.4 Budget Restrictions and Reductions (formerly Board Policy 1200-1.11); 400.5 Public Board of Education (formerly Board Policy 1200-1.9); 400.6 Involvement of School Advisory Councils, Library Advisory Commission and Hawaii State Student Council (formerly Board Policy 1200-1.7); 400.7 Relationship of Board of Education Members with Department and Public Library System Personnel (formerly Board Policy 1200-1.10); 400.8 Board of Education Student Member Selection (formerly Board Policy 2121); 1200-1.1 Establishment of the Board of Education; 1200-1.2 Authority Responsibility of the Board of Education; 1200-1.4 Effective Board Member Practices; 1200-1.8 Committees of the Board of Education; E-500 Department of Education (new Board Policy); 500.1 Organization of the Department (formerly Board Policy 1100-2); 500.2 Plan of Organization (formerly Board Policy 1100-4); 500.3 Employment of the Superintendent of Education (formerly Board Policies 1310-1, -2, and -3); 500.4 Duties and Responsibilities of the Superintendent (formerly Board Policy 1300-3); 500.5 Evaluation of the Superintendent of Education and the State Librarian (formerly Board Policy 1200-1-15); 500.6 Salaries of Subordinate Superintendents (formerly Board Policy 1310-4); 500.7 Temporary Assumptions of the Superintendent's Office Due to Absence or Illness (formerly Board Policy 1300-5); 500.8 Accreditation of Schools (formerly Board Policy 2710); 500.9 Establishment of Complex Areas (formerly Board Policy 1500-9); 500.10 Functions of District Offices (formerly Board Policy 1500-10); 500.11 School Attendance Areas (formerly Board Policy 4150); 500.12 Geographic Exceptions to the Mandatory School Attendance Law (formerly Board Policy 4155); 500.13 Pre-School (new Board Policy); 500.14 Pre-Kindergarten and Kindergarten (formerly Board Policy 2404); 500.15 Community Schools Model (new Board Policy); 500.16 Middle Level Education (formerly Board Policy 2406); 500.17 High School Education (formerly Board Policy 2407); 500.18 Summer School Programs (formerly Board Policy 2410); 500.19 School Community Councils (formerly Board Policy 2411); 500.20 School Community Council Waivers and School Community Council Exceptions (formerly Board Policy 2412); 500.21 Student Information and Confidential Records (formerly Board Policy 4610); 500.22 School Visitations by Non-School Personnel (formerly Board Policy 1710-4); 500.23 Solicitations by Department Personnel and Students (formerly Board Policy 1710-5); 500.24 Opening and Closing Hours of School (formerly Board Policy 6640); 500.25 Establishment of Articulated School Complexes (formerly Board Policy 1300-6); 500.26 New Student Orientation (formerly Board Policy 4165); 500.27 Multi-Track Year-Round Education (formerly Board Policy 6705); 500.28 Application & Allocation of Financial Resources (formerly Board Policy 1110-3); 500.29 Solicitations by Non-Department Personnel (formerly Board Policy 1710-6); 1100-3 Department Authority and Responsibility; 1300-2 Establishment of the Office of the Superintendent; 1100-5 Position Organization Charts; 1300-4 Duties and Responsibilities of the Deputy Superintendent; 2400 School Organization; E-600 Libraries; 600.1 Collection Development (formerly Board Policy 9201); 600.2 Hawaii State Public Library System Budgets (formerly Board Policy 9300); 600.3 Hawaii State Public Library System Safe Workplace (formerly Board Policy 9010); 600.4 Naming of Hawaii State Public Library Facilities (formerly Board Policy

9100); 600.5 Hawaii State Public Library System Internet Acceptable Use (formerly Board Policy 9200); E-700 Charter Schools; 700.1 Board Appointment of Charter School Review Panel Members (formerly Board Policy 8300); 700.2 Charter Schools Appeals (formerly Board Policy 8100); E-800 Adult Schools; 800.1 Content Standards for Adult Community Schools (formerly Board Policy 2409); E-900 Legal Requirements, Implementation and Limitations; 900.1 Department of Education Applicant and Employee Non-Discrimination (formerly Board Policy 1110-11); 900.2 Copyright (formerly Board Policy 2525); 900.3 Religion and Public Schools (formerly Board Policy 2230); 900.4 Gender Equity in Education (formerly Board Policy 1110-10); 900.5 Rights of Students Who Are Deaf, Hard of Hearing, or Deaf-Blind (formerly Board Policy 2205); 900.6 Student Rights and Due Process (formerly Board Policy 4050)

Finance and Infrastructure Committee

May 19, 2015

At the Board of Education's ("Board") November 18, 2014 General Business Meeting, the Policy Audit Permitted Interaction Group ("Policy Audit Group") presented its report and findings regarding its audit of the Board's policies. Included in this report were the Board Policies in the 400-900 series, which are listed above and are attached as **Exhibit A**. Any redlines in the policies attached as **Exhibit A** reflect the revisions that were recommended by the Policy Audit Group in its report.

At the May 19, 2015 meeting, the Finance and Infrastructure Committee intends to make a high-level determination of whether each of the aforementioned policies should:

- (1) Be kept in the Finance and Infrastructure Committee for further discussion;
- (2) Be forwarded to the full Board with a recommendation for approval at the May 19, 2015 General Business Meeting;
- (3) Be forwarded to the full Board with a recommendation for deletion at the May 19, 2015 General Business Meeting;
- (4) Be referred to another committee;
- (5) Be assigned to a Board member; or
- (6) Whether another action is warranted.

Note that the Policy Audit Group report recommended the deletion of the following policies:

1200-1.1 Establishment of the Board of Education
1200-1.2 Authority Responsibility of the Board of Education
1200-1.4 Effective Board Member Practices

1200-1.8 Committees of the Board of Education
1100-3 Department Authority and Responsibility
1300-2 Establishment of the Office of the Superintendent
1100-5 Position Organization Charts
1300-4 Duties and Responsibilities of the Deputy Superintendent
2400 School Organization

Exhibit A
Board Policy Series 400-900

Policy E-400

Board of Education Governance

Policy: The Board of Education shall carry out its constitutional mandate to enact statewide educational policy in a manner that provides adequate oversight of the public schools and public library system and supports community engagement.

Rationale: The Board's duties and responsibilities are determined by the Constitution.

POLICY 400.1**BOARD OF EDUCATION ROLES AND RESPONSIBILITIES****POLICY**

1. Develop vision and mission statements.
2. Conduct short- and long-term strategic planning to reach consensus on ~~BOE~~ goals and objectives, school performance indicators and student assessment outcomes, policies on budget, curriculum frameworks and student assessment, personnel and staff development.
3. Hire, evaluate and define roles of Superintendent/State Librarian; with Superintendent/State Librarian, define roles, hiring and evaluation of senior administrators; establish policies for hiring personnel.
4. Review and approve the Board/Department/Public Library budgets; ensure congruence of spending priorities with the Board's goals and objectives. Establish policies to guide restrictions and expenditures.
- ~~5. Determine whether Board should participate directly in negotiations.~~
- ~~65.~~ Set policies and guidelines for negotiating contracts and approve the negotiated contract.
- ~~76.~~ Approve curricular frameworks and standards for student achievement.
- ~~87.~~ Ensure linkage of policies and reform initiatives with student outcome objectives, curricular frameworks and assessment.
- ~~98.~~ Establish staff development policies that ensure congruence with the Board's educational goals and objectives.
- ~~409.~~ Approve~~Set~~ mechanism for systematic and periodic review of school system which includes individual school performances.
- ~~104.~~ Establish Board procedures to address petitions from the public.
- ~~112.~~ Establish policies to encourage and facilitate collaboration with other agencies and entities.
- ~~123.~~ Provide leadership in public education/public library system.
- ~~13.~~ Periodically conduct Board self-assessment.

Approved: 9/16/95

POLICY 400.2**POLICIES AND POLICY-SETTING**

Definition. Hawaii educational policies are directives established by the Board of Education to guide the operation of the school system and the public library system. Policies specify what the desired ends are and may be supplemented by reasons as to "why" and "to what extent." Policies broadly indicate the desired results and are narrow enough in scope to provide clear guidance. The administration, guided by policies, establishes rules and/or implementing regulations to set clear directions for the department and public library system.

Standards for Policy-Setting. All Board policies shall:

1. be explicitly identified as such;
2. be developed for school and/or public library systems operations which need direction and guidance;
3. be capable of implementation and evaluation;
4. be limited to a single topic;
5. be relevant to current and future departmental and public library operations; and
6. be written clearly and concisely so that they may be interpreted without difficulty.

Policy Initiation. Board policies may be initiated by Board members and by the Superintendent and State Librarian, through recommendations to the Board. The Superintendent/State Librarian shall be responsible for informing the Board of policies and changes to existing policies which they believe may be necessary.

Sequence of Policy Development**1. Issue Statement**

Any issue brought to the attention of the Board shall be referred by the Board Chairperson to an appropriate standing committee for action. A standing committee shall handle any issue brought to it.

2. Issue Evaluation

Upon agreement by a standing committee that further action on an issue is warranted, it shall study it to develop a common core of knowledge such as (a) the current status of the issue in the State, (b) what research says about the issue, and (c) what other States are doing or have done regarding the issue.

3. Data Gathering

While the standing committee is expanding its knowledge about the issue, the Superintendent, State Librarian and/or Board staff shall gather data the committee needs to formulate its views and policy parameters such as, how many and which students or library patrons the policy will affect and what resources are needed and

available for implementation.

4. Public Engagement

The general and education or public library communities shall be engaged meaningfully and comprehensively about the need and purpose of the policy. The information obtained shall be used in developing the policy. The political climate pertinent to the policy shall be evaluated by communicating with the governor and key legislators.

5. Drafting Policy

The committee shall guide the development of the policy, beginning with a statement that reflects the Board's intent. The Superintendent and/or State Librarian shall be told of the elements of policy language that should be included in the policy. Board staff may coordinate the work. The committee must be notified of any additional elements which should be included in the policy before a draft is brought to the Board.

6. Additional Engagement

After committee approval, the draft shall be sent for consult and confer to the appropriate unions. The draft may also be taken to key constituents and policy partners for further review.

7. Policy Approval

The committee shall approve the policy draft and recommend its approval to the Board. The final language in the policy must be adopted by the Board.

8. Implementation and Oversight

The Board of Education shall establish matrices and targets to monitor the implementation of board policies, standards and programs by the Department of Education, Charter Schools and the Hawaii State Public Library System.

~~The Superintendent or State Librarian is responsible for the implementation of the Board's policy. They shall gather data about the status of the policy implementation as well as its impact on students and library customers.~~

9. Board staff shall keep track of the inventory of policies. Each standing committee shall be responsible for the timely review and evaluation of policies which it developed and recommended to the Board for adoption. The Superintendent or State Librarian shall render appropriate assistance.

Policy Compliance. The Superintendent/State Librarian shall be responsible for assuring that all department/library actions are consistent with Board policy.

Approved: 9/16/95; Amended: 9/21/00

POLICY 400.3**IMPLEMENTATION OF BOARD OF EDUCATION POLICY****POLICY**

The Board of Education (Board) recognizes that effective implementation of Board policy rests in large part on a sound implementation plan.

Unless otherwise specified by the Board, the Department of Education (Department) shall have up to 45 days from the date the Board adopts a new Board policy or proposed amendment(s) to an existing Board policy, to submit an implementation plan to the appropriate Board committee.

In developing the implementation plan, the Department must consider, including but not limited to, the following:

- Measures of effectiveness of the policy objective(s);
- Timeframes for implementation of the proposed Board policy or proposed amendments to the existing Board policy;
- Proposed guidelines;
- A communication plan;
- A training plan;
- A resource support plan;
- A monitoring and reporting plan; and
- A program review plan.

The Department shall have guidelines in place prior to schools implementing Board policies.

Any exceptions to ~~this Board p~~**Policy 2050** shall be approved by the Board.

Approved: 02/21/08

POLICY 400.4**BUDGET RESTRICTIONS AND REDUCTIONS****~~POLICY~~**

The Board of Education understands that both the quantity and quality of public education and public library services are dependent upon the funding provided as well as their effective and efficient management.

In the event that the Superintendent of Education and/or the State Librarian are notified of budget restrictions imposed by the Governor or of budget reductions proposed by the Legislature, the Superintendent and/or the State Librarian shall request the Governor and/or the Legislature to specify these restrictions or reductions as aggregate or lumpsum amounts.

They shall immediately notify the Board of the restrictions and/or reductions and provide it with comprehensive lists of recommended restrictions or reductions by program, function and costs. Further, the recommended restrictions or reductions shall be approved by the Board before they are forwarded to the Governor or to the Legislature. These recommendations must meet one or more of the following criteria: (1) that all students will continue to receive equal opportunities for all educational programs or services or all library users will continue to receive equal services; (2) that the well-being of students or library users are protected; and (3) that all judicially- and legally-mandated programs and services are preserved.

The Superintendent and State Librarian shall report semiannually to the Board on the effects, as long as these restrictions and/or reductions continue on programs and services.

Approved: 8/7/97

POLICY 400.5**PUBLIC BOARD OF EDUCATION MEETINGS****POLICY**

The regular meetings of the Board shall be open to the public. Citizens desiring to place an item on the Board agenda regarding statewide educational policy ~~present problems, raise questions, or make suggestions concerning the schools~~ may make a written request in writing to the Executive Director of the Board or the Board Chair for an opportunity of appearing before the Board.

Approved: 9/16/95

POLICY 400.6**INVOLVEMENT OF SCHOOL ADVISORY COUNCILS, LIBRARY ADVISORY
COMMISSION AND HAWAII STATE STUDENT COUNCIL****POLICY**

The Board and its Standing Committees shall, upon request, in so far as possible involve the School ~~Advisory Community~~ Councils, ~~the Library Advisory Commissions~~ the State Librarian and/or the Hawaii State Student Council in the process of policy-setting by providing adequate notification and time for deliberation to these entities of proposed policies on which the Board and Standing Committees have scheduled action.

Approved: 9/16/95

POLICY 400.7

**RELATIONSHIP OF BOARD OF EDUCATION MEMBERS WITH
DEPARTMENT AND PUBLIC LIBRARY SYSTEM PERSONNEL**

~~POLICY~~

In the course of carrying out their duties and responsibilities, Board members may individually request information from Department of Education or Hawaii State Public Library System personnel.

Approved: 9/16/95; Amended: 11/20/97

POLICY 400.8**BOARD OF EDUCATION STUDENT MEMBER SELECTION****~~POLICY~~**

The Board of Education recognizes the importance of providing students with meaningful democratic experiences. By encouraging students to involve themselves in their governance, schools enable them to become active and contributing participants in government.

Each secondary school shall: (1) participate in the annual Board of Education student member selection process; and (2) make candidate information available to all students. The Hawaii State Student Council shall organize and execute the Board of Education student member selection process and, in accordance with Article X, Section 2, of the Hawaii State Constitution, is authorized to set the rules and procedures surrounding the selection.

Approved: August 16, 2001; Amended: March 20, 2012

ESTABLISHMENT OF THE BOARD OF EDUCATION
POLICY

There shall be an elected, policy-making board known as the Board of Education which shall head the Department of Education.

Approved: 9/16/95

**AUTHORITY AND RESPONSIBILITY OF THE BOARD OF EDUCATION
POLICY**

The Board shall formulate policy and exercise control over the public school system, the public libraries, and the licensing and inspecting of private schools through its executive officer, the superintendent of education.

Approved: 9/16/98

EFFECTIVE BOARD MEMBER PRACTICES

POLICY

Effective Board members understand their duties and role in providing leadership to ensure quality education.

Understand the importance of teamwork, that progress can best be made by the Board as a unit.

Adopt a positive attitude in the conduct of their business; support the Board's policies and rules for the school/public library systems and work through established channels to effect change.

Understand, appreciate and respect the roles of all members of the education community.

Establish an environment of trust within the Board and school system.

Establish an accountability system that enables the Board to concentrate on outcomes, rather than on methods and procedures.

Understand the importance of open communication with everyone.

Carry out their responsibilities with a high degree of integrity.

Operate with fairness, firmness, stability, consistency and integrity.

Approved: 9/16/95

COMMITTEES OF THE BOARD OF EDUCATION

POLICY

The Board shall create or abolish committees to study, appraise and recommend policies for board action. Standing and special committees shall be as provided in the by-laws.

Approved: 9/16/95

Policy E-500
Department of Education

Policy: The Department of Education shall operate the Hawaii state public school system in alignment with the Board-approved strategic plan, and in compliance with federal and state laws, applicable regulations and Board of Education policies.

Rationale: The Department is organized and operated as mandated by law and directed by the Board of Education.

POLICY 500.1**ESTABLISHMENT ORGANIZATION OF THE DEPARTMENT****POLICY**

~~There shall be a principal executive department in the state of Hawaii, known as the department of education.~~

The organization of the department shall be as determined by the board and approved by the governor in accordance with law.

Approved: 8/70

See: S. 296-2, HRS; Executive order No. 19, 9/20/61; Governor's Administrative Directive No. 12, 1/25/65

POLICY 500.2**PLAN OF ORGANIZATION****POLICY**

The department shall present to the Board of Education for its approval ~~maintain~~ a plan of organization outlining the structure and functions of its various offices, which shall include an organizational chart.

Approved: 8/70

POLICY 500.3**SELECTION OF THE
EMPLOYMENT OF THE SUPERINTENDENT OF EDUCATION****POLICY**

The superintendent shall be appointed by the Board, and the Board may approve an employment contract stating the terms of employment of the Superintendent including, but not limited to, the salary of the Superintendent within the limits prescribed by law and termination of employment by the Board.~~by a majority of the members of the board.~~

~~Approved: 8/70~~

~~See: S.3, Art. IX, State Const.; S.296-2, HRS~~

~~D.E. Rev. #11
1/72 (Page 5 of 13)~~

POLICY 500.4**DUTIES AND RESPONSIBILITIES OF THE
SUPERINTENDENT****POLICY**

The superintendent shall be responsible for:

1. Serving as secretary to the board of education.
2. Performing all duties necessary to the proper conduct of the department, subject, however, to the approval of the board.
3. Planning, organizing, staffing, directing and controlling the educational program, finances, personnel and facilities of the department.
4. Advising the board in relation to general policies and keeping them informed as to important educational developments.
5. Bearing final responsibility to the board for the proper functioning of the department.

Approved: 8/70

See: Generally: S.296-11, HRS; Plan of Organization, 9/69
Secretary: S.3, Art. IX, State Const.; S.26-12, HRS
Voc. Ed.: Act 71, SLH 1968
Tchr. Ed.: Coord. Com.; S.304-20, HRS

POLICY 500.5**EVALUATION OF THE SUPERINTENDENT OF EDUCATION AND THE STATE LIBRARIAN****POLICY**

~~The evaluation of the Superintendent of Education and the State Librarian is a primary responsibility of the Hawaii State Board of Education. This process is necessary to ensure that Hawaii public schools and libraries are successful in addressing the needs of the communities to which they are responsible.~~

~~The Superintendent of Education's performance shall be annually appraised primarily in terms of his/her contributions to improving instruction and learning in the schools. The State Librarian's performance shall be reviewed each year to determine his/her contributions to encouraging literacy and lifelong learning among the citizens of our state.~~

~~The Superintendent of Education and the State Librarian are each evaluated annually on a formal basis to improve their performance and service. These evaluations are carried out in relation to their written goals and objectives, with each being a fully involved participant in the evaluation process.~~

~~The annual evaluation is directed toward improving performance through successful attainment of their respective goals and objectives. Other purposes of the annual evaluation include but may not be limited to:~~

- ~~1. Documenting the total contribution which the Superintendent of Education and the State Librarian make to programs for which they are responsible;~~
- ~~2. Ensuring the Superintendent of Education and the State Librarian see the relationship between their performance and their positions' responsibilities;~~
- ~~3. Measuring the effectiveness of the communication between the Hawaii State Board of Education and the Superintendent of Education and the State Librarian;~~
- ~~4. Determining their abilities to handle tasks and duties assigned to them; and~~
- ~~5. Monitoring changes or additions to the directions in which the Superintendent of Education and the State Librarian are taking their organizations.~~

~~The performance evaluation process is designed to give the State Board of Education and the Superintendent of Education and State Librarian an opportunity to discuss events pertaining to their performance during the year and to make preliminary plans for the upcoming one. The review and evaluation of their performance will be conducted annually.~~

~~In addition to the formally scheduled annual performance review, informal, periodic discussion and evaluation of progress shall take place throughout the year between the Hawaii State Board of Education and the Superintendent of Education/State Librarian whenever the Board of Education or the Superintendent/State Librarian perceives it to be necessary. During these periodic review sessions, progress toward achievement can be discussed and goals and objectives may be revised.~~

~~Approved 9/5/2002~~

The Superintendent of Education and the State Librarian shall be evaluated annually by the Board of Education utilizing the EMCP Performance Evaluation System .

POLICY 500.6**SALARIES OF SUBORDINATE SUPERINTENDENTS****~~POLICY~~**

The Board of Education desires that the best candidates are appointed to all of the subordinate superintendent positions to create a knowledgeable, strong, and dynamic leadership team that supports the superintendent, teachers, administrators, and other school-level personnel.

The Board shall establish a salary structure that is competitive and commensurate with the duties, responsibilities, and authorities of the respective subordinate superintendent positions. ~~When an individual from within the Department of Education is selected to such an appointed position, that individual's salary shall not be reduced.~~

Approved: 11/7/02

POLICY 500.7**TEMPORARY ASSUMPTIONS OF THE SUPERINTENDENT'S OFFICE
DUE TO ABSENCE OR ILLNESS****POLICY**

The powers and duties of the superintendent shall devolve upon the deputy superintendent in the event of the superintendent's temporary absence from the state or an illness which temporarily prevents him/her from exercising and discharging the powers and duties of his/her office.

When both the superintendent and his/her deputy are unable to exercise and discharge the powers and duties of the superintendent because of temporary absence from the state or illness, ~~the chairman of the Board will appoint~~ a person designated in accordance with a plan prepared by the Superintendent shall ~~to~~ temporarily exercise the powers and duties of the superintendent.

Adopted: 8/70

DE Rev. #10

7/15/71 (p. 3 of 3)

POLICY 500.8**ACCREDITATION OF SCHOOLS
POLICY**

~~The accreditation process is a vehicle for school improvement involving a perpetual cycle of assessment, planning, implementing, monitoring, and reassessment. The self-study phase of the accreditation process revolves around an in-depth gathering of evidence that enables a school to take an honest look at what is and isn't working based upon criteria set by the accrediting agency as well as schoolwide learner outcomes specified by the school.~~

~~The accreditation process also involves the systematic development of schoolwide improvement plans that are monitored and updated annually and thus support school renewal.~~

All public **secondary** schools and community schools for adults shall engage in the accreditation process as prescribed by the accrediting agency that has been designated by the Board of Education. ~~All other public schools are encouraged to engage in the accreditation process.~~

Approved: 10/23/75; Amended: 3/88; 03/99

POLICY 500.9**ESTABLISHMENT OF ~~SCHOOL DISTRICTS~~COMPLEX AREAS**

The state shall be divided for administration of the public school system into complex areas ~~school districts~~ each of which shall be headed by a ~~district~~ complex area superintendent.

Approved: 8/70

See: S.297-6 and S.298-17, HRS

POLICY 500.10**FUNCTIONS OF DISTRICT OFFICES**

The major functions of the district office shall be:

1. Administering and supervising the programs of the department, except the public libraries, in all public schools within the district.
2. Planning, directing and evaluating all activities of the schools within the district.
3. Keep the board members of the district and the district school advisory council informed of the activities within the district.

Approved: 8/70

POLICY 500.11**SCHOOL ATTENDANCE AREAS
POLICY**

To implement the State's compulsory school attendance law and for the internal management of the public school system in Hawaii, the Department of Education shall designate school attendance areas, establish their boundaries, and alter such boundaries when it deems advisable. The school attendance areas shall be arranged in such a manner that there shall be no unassigned locality in the State. The Department of Education shall establish procedures for the establishment or alteration of school attendance area boundaries. The procedures shall provide parents and the community advance information of any proposal to establish or alter a school attendance boundary and an opportunity to comment on the proposal before a decision is made. A new or modified school attendance boundary shall be implemented only after the opportunity to comment has been provided to affected role groups (such as parents, students, teachers, school staff, school administrators, and community groups).

All persons of school age shall be required to attend the school of the attendance area in which they reside unless, in accordance with the Board of Education's rules and policies and the Department of Education's administrative regulations, they are excepted from school attendance, allowed to attend a school in another attendance area on a geographical exception, transferred to another school for disciplinary reasons, placed in another school for the provision of a free appropriate public education because of the student's disability, or for other reasons approved by the department. A minor may not establish residency apart from the minor's parent or legal guardian and the department shall presume that the minor resides with the parent or legal guardian.

Former Code No. 5117

Policy Adopted: 5/47; Reviewed: 4/60 ; Amended: 10/70, 3/88, 7/02

POLICY 500.12**GEOGRAPHIC EXCEPTIONS
TO THE MANDATORY SCHOOL ATTENDANCE LAW****POLICY**

Under Hawaii law, all persons of school age are required to attend school in the geographic area in which they reside. However, permission to attend another school may be granted by the Department of Education with the welfare of the child as a major consideration.

The Board of Education, through this Policy, establishes a program of GEOGRAPHIC EXCEPTIONS by which a child may be, upon application by parents or substitute legal guardians, assigned to a school other than the neighborhood school.

The Department of Education is directed to establish procedures for the handling and approval of such requests, including application process and time lines, criteria for selection, a public chance selection process if requests exceed a school's established capacity, and a Departmental appeal procedure for denied requests. These procedures shall provide that:

1. A student, once granted a geographic exception, shall belong to the school for which it is granted and shall enjoy all rights, privileges and responsibilities that are enjoyed by other students at the school until the student graduates or otherwise transfers.
2. There shall be suitable consequences (including possible ~~recision~~rescission of the geographic exception) if the information upon which the exception was granted is found to have been false.
3. The process established by the Department shall be equitable, widely publicized and "user friendly" to parents and children.
4. There shall be time lines which permit reasonable projections of school enrollment so that new geographic exceptions shall not be the cause of a school exceeding the enrollment limits established by the Department.

The placement of a child with special needs shall conform to the law.

Approved: 5/96

POLICY 500.13

PRE-SCHOOL

New policy. Undrafted at this time.

POLICY 500.14**PRE-KINDERGARTEN AND KINDERGARTEN
POLICY**

The Department of Education shall provide access to a kindergarten program for every child who is eligible according to law.~~meets entrance requirements.~~

Pre-Kindergarten education shall be made available for all pre-school children ages three to five, who have been identified and determined to be eligible to receive services under the provisions of the Individual with Disabilities Education Act.

Approved: 10/70

Amended: 03/88 (renumbered); 01/99

POLICY 500.15

COMMUNITY SCHOOLS MODEL

New policy. Undrafted at this time.

POLICY 500.16**MIDDLE LEVEL EDUCATION****POLICY**

~~The Board of Education recognizes that young adolescence is a critical period in the development and education of students.~~ Middle level schools shall implement specific practices to effectively meet the unique learning needs of young adolescents. The Department of Education shall ensure that middle level schools address the physical, social, and emotional developmental needs of young adolescents and set high expectations for academic achievement through incorporation of the following criteria based on the National Middle School Association's (NMSA) characteristics of developmentally responsive middle level schools.

- A rich and challenging standards-based curriculum which addresses the developmental needs of young adolescents.
- Small communities of learners through interdisciplinary teaming of students and teachers.
- A nurturing environment where each student has at least one adult on the school staff, who knows, cares about and supports the student's academic and personal development.
- Varied instructional strategies and flexible use of instructional time.
- Varied organizational arrangements to ensure success for all students.
- Exploratory and co-curricular programs which meet the developmental needs of young adolescents.
- Educators who are knowledgeable about and committed to young adolescents.
- Families, communities and other stakeholders engaged in substantive partnership with the school in the education of young adolescents.
- Programs which foster the development of physical and emotional health, character and positive social relationships.

These criteria shall be incorporated and addressed through the Western Association of Schools and Colleges (WASC) accreditation process.

The Department shall implement administrative guidelines that support the integration of middle level education beliefs and practices into the culture of each classroom, team, grade level, and school community. A mechanism to systematically implement middle level schools and ensure that these schools continually meet the criteria shall be specified in the administrative guidelines.

Rationale: The Board of Education recognizes that young adolescence is a critical period in the development and education of students.

Approved: 07/12/01

POLICY 500.17**HIGH SCHOOL EDUCATION****POLICY**

The Department of Education shall develop and implement a research-based, system-wide strategic plan for the redesigning of all high schools. This plan requires that students demonstrate proficiency of the applicable standards ~~Hawaii Content and Performance Standards~~ and General Learner Outcomes, meet all graduation requirements, as well as effectively meet the Vision of a Hawaii Public School Graduate.

Vision of a Hawaii Public School Graduate:

All Hawaii public school graduates will:

- *Realize their individual goals and aspirations.*
- *Possess the attitudes, knowledge and skills necessary to contribute positively and compete in a global society*
- *Exercise the rights and responsibilities of citizenship*
- *Pursue post-secondary education and/or careers without the need for remediation*

The Department of Education shall provide relevant support to high schools as they develop and implement their school-wide comprehensive plan that includes but is not limited to:

- Personalization of the high school experience
- Clear expectations that promote rigorous and relevant learning opportunities
- Effective organization of time
- Integration of technology throughout the curriculum
- Professional development that facilitates and supports new roles and responsibilities through teaming
- Strong leadership from all levels of the school community and educational system
- Authentic and effective partnerships with post-secondary institutions, community agencies and businesses.

These criteria shall be incorporated and addressed through the Standards Implementation Design Plan and the Western Association of Schools and Colleges (WASC) accreditation process.

Rationale: The Board of Education recognizes that high schools serve as the gateway to post secondary institutions and/or career opportunities. The Board further recognizes that in order to ensure that all students are prepared for the ever-changing global environment, high schools must undergo a transformation.

Approved: 10/16/03

POLICY 500.18**SUMMER SCHOOL PROGRAMS
POLICY****1. Regular Summer School Programs**

Summer school programs shall be organized and conducted to meet the needs of students when 125 or more students indicate interest in attending summer school. Such programs may be organized and conducted at the discretion of the district superintendent when less than 125 students indicate interest in attending summer school. Summer school programs are to be conducted to provide students with remedial and enrichment experiences and for such other purposes as may be approved in ~~regulations~~ resolutions adopted by the Board of Education.

2. Special Education Summer School Programs

Summer school programs shall be organized and conducted to meet the needs of ~~handicapped~~ students with mental or physical challenges when ~~a~~ there are sufficient number of students ~~who~~ indicate interest in attending summer school that organization of such programs is feasible in ~~to organize special education summer classes in~~ accordance with established rules, regulations, and procedures.

Former Code No. 6154

Policy Approved: 6/60; Amended: 10/70, 3/77, 3/88

POLICY 500.19**SCHOOL COMMUNITY COUNCILS****~~POLICY~~**

Implementation of a school community council requires the collaborative involvement of the stakeholders of the school: principal, teachers, non-certificated staff, parents, students, and other community members. The functions of the school community council are to: review the academic and financial plan and either recommend revisions of the plans to the principal, or recommend the plans for approval by the complex area superintendent; ensure that the school's Academic and Financial Plan is aligned with the educational accountability system; participate in the selection and evaluation of the principal; provide opportunities for input and collaboration; recommend to the principal the school's repair and maintenance needs; recommend, develop, amend, or approve school-level policies and rules; request waivers from state agency policies, rules, procedures, and exceptions to collective bargaining agreements, if such exceptions or waivers will improve student achievement.

The Department of Education (Department), through the Board and the Superintendent, shall establish a school community council system for Hawaii's public schools.

The Department shall establish school community councils in all public schools as specified by state law and shall establish procedures to support implementation of school community councils. The procedures shall:

1. Encourage and facilitate increased participation and input by parents, students, community members, and the school staff in the affairs of their schools;
2. Provide clear and concrete delineation of powers and responsibilities among the school community council, principal, complex area superintendent, and Board;
3. Provide an outline of decision making processes that may be used by the school community council; provided that each school community council decision making process includes a fallback procedure whereby the final recommendations of the school community council are made by majority vote, by the principal, or by some other method that is agreed upon by the school community council;
4. Require a well-articulated vision, mission, school improvement process, Academic and Financial Plan, School Community Council By-laws, a commitment to collaboration, and procedures for the recommendation of the Academic and Financial Plan to the complex area superintendent for approval as delineated in Act 51, Session Laws of Hawaii 2004;
5. Specify that decisions regarding the Academic and Financial Plan shall be guided by the legal responsibilities of the Department in the areas of federal and state laws, safety and health, fiscal responsibility, civil rights, and collective bargaining;

6. Define the authority and responsibility of the school principal to facilitate the school community council process, handle the day-to-day operations of the school, implement the policies of the Board, and provide technical assistance in sharing collective bargaining agreements, federal and state laws, policies, and guidelines in the decision making process;

7. Require a focus on student achievement and provision for objective periodic assessment of the school community council process at the school; and

8. Require conformance with all state laws, rules, and Board policies.

Upon request, schools shall provide the results of their objective periodic assessment of the school community council process and other information to the Department and/or Board.

Rationale: The Board of Education (Board) supports a school improvement process that involves collaboration by the stakeholders of each school community. A school community council, or SCC, provides a means whereby parents, students, and community members have an increased voice in the affairs of the school. A school community council focuses on the goals of the school, and provides direction, coordination, and communication to improve teaching and learning, resulting in greater student achievement.

~~Note: For School Year 2004-2005, this policy shall apply to the 22 schools that were selected to participate in the pilot program to implement school community councils and participate in the development of the weighted student formula; provided that this policy may apply to other schools as determined by the Department of Education. Beginning with School Year 2005-2006, this policy shall apply to all public schools as specified by state law.~~

~~The participation of the SCC in the selection and evaluation of the principal will not be part of the pilot program.~~

Approved: 10/7/04; Amended: 5/5/05

POLICY 500.20**SCHOOL COMMUNITY COUNCIL WAIVERS AND
SCHOOL COMMUNITY COUNCIL EXCEPTIONS****~~POLICY~~**

The Board of Education (Board) has established procedures whereby School Community Councils (SCC), upon application to the Board, may be granted waivers from specific Board policies or rules and/or may be granted exceptions to specific provisions of labor agreements to which the Board is a signatory. The Department of Education (Department) shall administer the procedures and make them widely available to the public.

Requests for waivers from rules not under the direct control of the Board shall be forwarded to the appropriate governmental agency by the Department.

Waivers and exceptions are designed to enhance flexibility in order to facilitate school improvement. Schools are encouraged to explore alternate solutions before seeking waivers or exceptions to collective bargaining agreements.

Schools shall ensure that requests for waivers and exceptions align with their respective school's Academic and Financial Plan and demonstrate how the waiver or exception will improve student learning and increase student achievement.

To facilitate its commitment to School Community Councils and to make the process of obtaining waivers less burdensome and less time-consuming, the Board hereby establishes the category, "Generic Waiver and/or Exception" to which the Board may assign any request.

Generic waivers and/or exceptions have been found by the Board to have sufficient merit or be sufficiently routine so as to justify automatic approval* upon application by a school. The Superintendent shall maintain an up-to-date list of SCC Waivers and SCC Exceptions that have been designated "Generic" by the Board, and shall approve upon receipt, all requests from schools for such waivers or exceptions.* A list of SCC Waivers and SCC Exceptions, along with the stipulations for automatic approval, that have been designated "Generic" by the Board, is provided in the attachment.

The Board, for reasons it finds appropriate, may remove the "Generic" designation from a waiver or exception at any time without necessarily affecting the status of schools previously granted such waivers or exceptions under this policy.

All requests for waivers or exceptions not designated by the Board to be "Generic" shall require Board approval.

*In the case of SCC exceptions to the provisions of a labor agreement to which the Board is a signatory, such approval indicates only Board agreement. The exception also

requires union agreement.

Approved: 10/07/04; Amended: 05/05/05; 01/19/06

GENERIC WAIVERS/EXCEPTIONS

1. Creating No More Than Two (2) Staff Development Days by Adjusting the School's Calendar *(October 24, 1996)*

The following stipulations shall apply:

- The school shall submit a chronology of involvement that documents community support for this initiative;
- An evaluation shall be conducted to include the use of student achievement data and full-day teacher attendance information, and the results shall be available as a public document;
- The complex area superintendent shall review the request to assure that the request is in alignment with the school's Academic and Financial Plan;
- There shall be no additional cost to the Department of Education; and
- There shall be a definite plan/agenda for the time spent on staff development.

~~Note: Schools shall be allowed to request one (1) additional Waiver Day to the School Year 2005-2006 second semester calendar.~~

~~The following stipulations shall apply:~~

- ~~—Only schools that have already purchased and/or contracted consultant services for all of their four (4) Planning/Collaboration Days and zero (0) to two (2) Waiver Days may request one (1) additional Waiver Day for Spring 2006; and~~
- ~~—This generic waiver/exception shall apply only to School Year 2005-2006.~~

2. Withholding the Posting of Probationary Teacher Positions to Retain Probationary Teachers *(October 24, 1996)*

3. Distributing Grade Level Chairpersons' Pay Differentials to Other Faculty Members *(November 5, 1998)*

4. Reporting Quarterly Grades for Schools *(November 5, 1998)*

The following stipulations shall apply:

- The school shall be flexible to accommodate students who need up to the last day of the quarter to turn in their work; and
- This expectation shall not be punitive on its application to grades.

POLICY 500.21**STUDENT INFORMATION AND CONFIDENTIAL RECORDS
~~POLICY~~**

Information relating to individual students or former students in the public schools shall not be divulged or released by Department of Education (Department) personnel, except as authorized by the individual student, parent, or guardian, permitted by the Department, or specified by law. Reports designated as “confidential” contain information of an intimate and personal nature, and shall be safeguarded and respected in accordance with professional ethics. Such reports shall not be placed in files of general accessibility.

No questionnaire or other device for securing any kind of information, opinions, or statistical data from students shall be permitted in the public schools, except where the request is approved by the Department.

All public schools shall maintain individual files of permanent student records as required by the Department or by law.

Former Code No. 1151

Former Policy Approved: 1/50

Amended: 9/55, 3/88, 11/18/04

Reviewed: 4/60

POLICY 500.22**SCHOOL VISITATIONS BY NON-SCHOOL PERSONNEL****POLICY**

Parents and members of the public ~~Any person~~ shall be encouraged to visit schools throughout the school year. ~~but such~~ visits should be made after prior consultation with the schools in order not to disrupt the planned activities of the schools and classrooms and any visit shall conform to the regulations, directives, and guidelines of the department.

Approved: 8/70

POLICY 500.23**SOLICITATIONS BY DEPARTMENT PERSONNEL AND STUDENTS****POLICY**

Solicitations of any kind within the school and in the community by department personnel and students shall not be permitted except for activities approved by the department principal, Complex Area Superintendent or Superintendent of Education.

Approved: 8/70

See: Rule 5, relating to schools, school personnel, or students soliciting from business firm

POLICY 500.24**OPENING AND CLOSING HOURS OF SCHOOL****POLICY**

Each Complex Area Superintendent ~~district superintendent~~ shall establish the opening and closing hours of a new school and may alter the same in an existing school.

~~The program shall be administered in accordance with the guidelines set forth in the Standards of Practice of the Office of School Facilities and Support Services.~~

Rationale: The Board believes it is important to facilitate educational programs, enhance student safety, and promote efficient and economic use of State resources.

Approved: 2/26/76; Amended: 12/07

POLICY 500.25**ESTABLISHMENT OF ARTICULATED SCHOOL COMPLEXES****~~POLICY~~**

The Board of Education shall establish articulated school complexes (elementary feeder schools to middle schools to high schools) to build bridges from pre-kindergarten through post-high school programs.

This policy ensures that logical, sequential curricula and best practices are delivered by all schools within the complex, which may include, but not be limited to appropriate texts, instructional materials, in-service support, common goals, strategies, and other operational issues.

Approved: 12/12/02

POLICY 500.26**NEW STUDENT ORIENTATION
~~POLICY~~**

The Board of Education recognizes that the transition to secondary school may be difficult and cause stress and anxiety for both parents and students. School data indicate that students in the incoming grade level experience the most difficulty in school adjustment. Empirical data suggest that a one-day orientation program on the first school instructional day attended exclusively by students in the incoming grade may be beneficial to the entire school community.

Therefore, schools may establish a one-day orientation program on the first school instructional day which is attended exclusively by students in the incoming grade provided that:

1. The decision represents the views of a majority of the school community;
2. All staff report for a full day of work; and
3. All grade levels report for a full day of instruction on the succeeding day.

Approved: 6/97; Amended: 11/98

POLICY 500.27**MULTI-TRACK YEAR-ROUND EDUCATION****~~POLICY~~**

The Department may utilize multi-track year-round calendaring at new or existing schools provided that the following conditions are met:

Projected or real enrollment exceeds design enrollment capacity by a minimum of 120 percent;

Planned construction of a new school to relieve overcrowding at another school can be deferred for several years or avoided altogether, so as to generate savings in the capital improvement program budget;

Increases in operating cost are less than 20 percent of the total cost of operating a new school; and

Adequate provision has been made to accommodate students and school personnel who do not wish to participate.

Approved: 7/27/95; Amended: 4/4/02, 12/07

POLICY 500.28**APPLICATION AND ALLOCATION OF
FINANCIAL RESOURCES****POLICY**

All funds available to the department shall be considered as means of financing approved programs of the board and shall be allocated by the superintendent except that federal funds must be used as approved by the appropriate agency of the United States Government.

Approved: 8/70

POLICY 500.29**SOLICITATIONS BY NON-DEPARTMENT PERSONNEL****~~POLICY~~**

Solicitations of any kind on the department by non-department personnel shall be in accordance with the rules and regulations of the department and the state of Hawaii.

Approved: 8/70

See: Comptroller's Directive, 1969-1, 7/27/69

Rule 4, relating to solicitors, vendors, and salesmen in schools

Rule 9, relating to community fund-raising drives among students

**DEPARTMENT AUTHORITY AND RESPONSIBILITY
POLICY**

In accordance with the laws of Hawaii, the department has full authority and responsibility for the administration of the public schools, public libraries, and for the licensing and inspecting of private schools.

Approved: 8/70

See: Sections 26-12, 26-38, 296-1, 298-2, 312-1, and 312-2, HRS

**ESTABLISHMENT OF THE
OFFICE OF THE SUPERINTENDENT

POLICY**

There shall be an office of the superintendent, which shall be headed by a superintendent of education, who shall be the executive officer of the board.

Approved: 8/70

See: S.3, Art. IX, State Consti.; S.296-2, HRS

POSITION ORGANIZATION CHARTS
POLICY

The department shall maintain position organization charts.

Approved: 8/70

See: Governor's Administrative Directive No. 12, 1/25/65

**DUTIES AND RESPONSIBILITIES OF THE
DEPUTY SUPERINTENDENT**

POLICY

The deputy superintendent shall:

1. Act as assistant to the superintendent.
2. Serve as acting superintendent in the absence of the superintendent.
3. Perform all other duties assigned by the superintendent.

Approved: 8/70

SCHOOL ORGANIZATION POLICY

The Department of Education shall provide the structure and patterns of school organization in order to enhance the teaching-learning process for quality education.

Approved: 10/70; Amended: 3/88

Policy E-600

Libraries

Policy: The Hawaii State Public Library System shall operate in alignment with the Board-approved strategic plan, and in compliance with federal and state laws, applicable regulations and Board of Education policies.

Rationale: The Hawaii State Public Library System is organized and operated as mandated by law and directed by the Board of Education.

POLICY 600.1**COLLECTION DEVELOPMENT ~~POLICY~~**

The Hawaii State Public Library System (HSPLS) is a statewide system of libraries consisting of the Hawai'i State Library (HSL), the Library for the Blind and Physically Handicapped (LBPH), regional libraries, community libraries, and public/school libraries.

By constitutional provision¹, by statute², and by Executive Order³, HSPLS provides general and special library services for all individuals and groups in the state.

The mission of the Hawai'i State Public Library System is to provide Hawai'i's residents, in all walks of life, and at each stage of their lives, with access to education, information, programs and services, and to teach and nurture the love of reading and the habit of life-long learning.⁴

Responsibility for Selection

Responsibility for selection policy resides with the state librarian and the Board of Education. Decisions regarding the selection of books and other resources are the responsibility of the public service librarians of the state library system.⁵

General Policy

Materials selection requires professional knowledge and experience, knowledge of relevant subjects and their literature, and the judgment of trained staff. Selectors in each library consider both the needs of the community, and the content and scope of materials in the collection. The library system serves a public embracing a wide range of ages, education and cultural backgrounds. Selectors choose materials in accordance with law on a range of subjects and intellectual levels in various languages and formats.

Selectors at community and public/school libraries are responsible for a collection which meets the day-to-day needs of its users. Librarians at regional libraries are responsible for a collection which, in addition to meeting the day-to-day needs of the public in its immediate vicinity, also provides supplemental materials for use within its region. The Hawaii State Library director and subject specialists of this large metropolitan library are responsible for the collections which meet the needs of their users as well as serve as a resource of in-depth materials for public libraries

¹Article X, Section 1, State Constitution of Hawaii, 1993 edition

²Act of 1959, Act 1, Section 18, 2nd Special Session, First State Legislature 1959

³Executive Order No. 19, dated September 30, 1961

⁴Hawai'i State Public Library System Master Plan, July 20, 2000. Board of Education approved on July 20, 2000

⁵Hawai'i Revised Statutes 312-3.9(b)

Page 2

throughout the state. The Library for the Blind and Physically Handicapped selectors are responsible for developing a collection of materials in special formats to meet the needs of blind and handicapped users throughout the state and the U.S. territories in the Pacific.

In addition, a limited number of materials are selected by committees of public service librarians for which funds are set aside for specific statewide purposes.

In support of the Hawai'i State Public Library System's mission to provide free access to information, HSPLS subscribes to the American Library Association's (ALA) Library Bill of Rights and to the ALA Council's interpretations. These documents are Appendixes A-N. HSPLS considers objections to materials in the collection when these objections are submitted in writing on the Hawaii State Public Library System Patron Request for Reevaluation of Library Material form (Appendix O). Retention or removal of materials is based on their conformity to the selection criteria.

Selectors consider one or more of, but are not limited to, the following criteria:

1. Accuracy
2. Readability
3. Current usefulness
4. Literary and artistic excellence
5. Historical, cultural, ethnic interests
6. Cost
7. Popular demand
8. Size and type of library
9. Appropriateness of format

Gifts

Gifts are accepted subject to the same selection criteria which are applied to purchased materials. Libraries do not assume the obligation to return unsolicited materials.

Weeding

HSPLS maintains a program of withdrawing and discarding (weeding) materials. Staff consider one or more of, but are not limited to, the following criteria:

1. Worn or damaged condition
2. Dated information
3. Duplication
4. Lack of demand
5. Limited space

APPENDIX A

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.
Amended February 2, 1961, and January 23, 1980,
inclusion of "age" reaffirmed January 23, 1996,
by the ALA Council.

APPENDIX B

**ACCESS FOR CHILDREN AND YOUNG PEOPLE TO VIDEOTAPES
AND OTHER NON PRINT FORMATS**

An Interpretation of the *LIBRARY BILL OF RIGHTS*

Library collections of videotapes, motion pictures, and other nonprint formats raise a number of intellectual freedom issues, especially regarding minors.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people have access to materials and services that reflect diversity of sufficient to meet their needs.

To guide librarians and others in resolving these issues, the American Library Association provides the following guidelines.

Article V of the *Library Bill of Rights* says, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

ALA's Free Access to Libraries for Minors: An Interpretation of the *Library Bill of Rights* states:

The "right to use a library includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

...[P]arents--and only parents--have the right and the responsibility to restrict the access of their children--and only their children--to library resources. Parent or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parent or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Policies which set minimum age limits for access to videotapes and/or other audiovisual materials and equipment, with or without parental permission, abridge library use for minors. Further, age limits based on the cost of the materials are unacceptable. Unless directly and specifically prohibited by law from circulating certain motion pictures and video productions to minors, librarians should apply the same standards to circulation of these materials as are applied to books and other materials.

Recognizing that libraries cannot act in loco parentis, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing. Published reviews of films and videotapes and/or reference works which provide information about the content, subject matter, and recommended audiences can be made available in conjunction with nonprint collections to assist parents in guiding their children without implicating the library in censorship. This material may include information provided by video producers and distributors, promotional material on videotape packaging, and Motion Picture Association of America (MPAA) ratings *if they are included on the tape or in the packaging by the original publisher* and/or if they appear in review sources or reference works included in the library's collection. Marking out or removing ratings information from videotape packages constitutes expurgation or censorship.

MPAA and other rating services are private advisory codes and have no legal standing*. For the library to add such ratings to the materials if they are not already there, to post a list of such ratings to the materials if they are not already there, to post a list of such ratings with a collection, or attempt to enforce such ratings through circulation policies or other procedures constitutes labeling, "an attempt to prejudice attitudes" about the material, and is unacceptable. The application of locally generated ratings schemes

intended to provide content warnings to library users is also inconsistent with the *Library Bill of Rights*.

*For information on case law, please contact the ALA Office for Intellectual Freedom.

See also: "Statement on Labeling" and "Expurgation of Library Materials," Interpretation of the *Library Bill of Rights*.

Adopted June 28, 1989, by the ALA Council; the quotation from Free Access to Libraries for Minors was changed after Council adopted the July 3, 1991, revision of that Interpretation.

[ISBN 8389-7351-5]

APPENDIX C

Access to Electronic Information, Services, and Networks: an Interpretation of the LIBRARY BILL OF RIGHTS

INTRODUCTION

The world is in the midst of an electronic communications revolution. Based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised in this revolution. In particular, librarians address intellectual freedom from a strong ethical base and an abiding commitment to the preservation of the individual's rights.

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. These rights extend to minors as well as adults. Libraries and librarians exist to facilitate the exercise of these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

The American Library Association expresses these basic principles of librarianship in its *Code of Ethics* and in the *Library Bill of Rights* and its Interpretations. These serve to guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to electronic information, services, and networks.

Issues arising from the still-developing technology of computer-mediated information generation, distribution, and retrieval need to be approached and regularly reviewed from a context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are not swept away.

Electronic information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. Even so, many people, for reasons of technology, infrastructure, or socio-economic status do not have access to electronic information.

In making decisions about how to offer access to electronic information, each library

should consider its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures or regulations relating to electronic resources and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*.

Users should not be restricted or denied access for expressing or receiving constitutionally protected speech. Users' access should not be changed without due process, including, but not limited to, formal notice and a means of appeal.

Although electronic systems may include distinct property rights and security concerns, such elements may not be employed as subterfuge to deny users' access to information. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Users also have a right to information, training and assistance necessary to operate the hardware and software provided by the library.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice. Users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.

The rights of users who are minors shall in no way be abridged.¹

Equity of Access

Electronic information, services, and networks provided directly or indirectly by the library should be equally, readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by all libraries and information services that receive their major support from public funds (50.3; 53.1.14;60.1;61.1). It should be the goal of all libraries to develop policies concerning access to electronic resources in light of *Economic Barriers to Information Access. an Interpretation of the Library Bill of Rights and Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*.

Information Resources and Access

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians who are concerned about their children's use of electronic resources

should provide guidance to their own children.

¹See: *Free Access to Libraries for Minors: an Interpretation of the Library Bill of Rights; Access to Resources and Services in the School Library Media Program; and Access for Children and Young People to Videotapes and Other Nonprint Formats.*

Libraries and librarians should not deny or limit access to information available via electronic resources because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation. Information retrieved or utilized electronically should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. Libraries have an obligation to provide access to government information available in electronic format. Libraries and librarians should not deny access to information solely on the grounds that it is perceived to lack value.

In order to prevent the loss of information, and to preserve the cultural record, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained electronically.

Electronic resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to electronic resources no less than they do to the more traditional sources of information in libraries.²

Adopted by the ALA Council, January 24, 1996

[ISBN: 8389-7830-4]

²See: *Diversity in Collection Development: an Interpretation of the Library Bill of Rights.*

APPENDIX D

ACCESS TO LIBRARY RESOURCES AND SERVICES REGARDLESS OF GENDER OR SEXUAL ORIENTATION An Interpretation of the LIBRARY BILL OF RIGHTS

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the First Amendment. The *Library Bill of Rights* embodies the basic policies which guide libraries in the provision of services, materials, and programs.

In the preamble to its *Library Bill of Rights*, the American Library Association affirms that *all* [emphasis added] libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including gender or sexual orientation:

! Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay presses, gay, lesbian, or bisexual authors or other creators, and materials regardless of format or services dealing with gay lifestyles are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the gender or sexual orientation of their creators by using the criteria identified in their written, approved selection policies (ALA policy 53.1.5).

! Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on gender or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies 53.1.1, 53.1.9, and 53.1.11). The Association affirms that attempts to proscribe or remove materials dealing with gay or lesbian life without regard to the written, approved selection policy violate this tenet and constitute censorship.

! Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

! Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that : "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals.

Therefore, Article V of the Library Bill of Rights mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to gender or sexual orientation. This includes providing youth with comprehensive sex education literature (ALA Policy 52.5.2).

! Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to gender or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any

effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of gender or sexual orientation.

Adopted June 30, 1993; amended July 12, 2000, by the ALA Council.

[ISBN 8389-7701-4]

APPENDIX E

CHALLENGED MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form which reflects the *Library Bill of Rights*, and which is approved by the appropriate governing authority.

Challenged materials which meet the criteria for selection in the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The Library Bill of Rights states in Article I that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," and in Article II, that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[ISBN 8389-6083-0]

APPENDIX F

DIVERSITY IN COLLECTION DEVELOPMENT

An Interpretation of the LIBRARY BILL OF RIGHTS

Throughout history, the focus of censorship has fluctuated from generation to generation. Books and other materials have not been selected or have been removed from library collections for many reasons, among which are prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual forms of expression, and other topics of a potentially controversial nature.

Some examples of censorship may include removing or not selecting materials because

they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting materials about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information on or materials from non-mainstream political entities.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials legally obtainable should be assured to the user, and policies should not unjustly exclude materials even if they are offensive to the librarian or the user. Collection development should reflect the philosophy inherent in Article II of the *Library Bill of Rights*: "Libraries should provide materials and be proscribed or removed because of partisan or doctrinal disapproval." A balanced collection reflects a diversity of materials, not an equality of numbers. Collection development and the selection of materials should be done according to professional standards and established selection and review procedures.

There are many complex facets to any issue, and variation of context in which issues may be expressed, discussed, or interpreted. Librarians have a professional responsibility to be fair, just and equitable and to give all library users equal protection in guarding against violation of the library patron's right to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials based on personal bias or prejudice, and to select and support the access to materials on all subjects that meet, as closely as possible, the needs and interests of all persons in the community which the library serves. This includes materials that reflect political, economic, religious, social, minority, and sexual issues.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians cannot justly permit their own preferences to limit their degree of tolerance in collection development, because freedom is indivisible.

Adopted in July 14, 1982; amended January 10, 1990, by the ALA Council.

[ISBN 8389-6552-0]

APPENDIX G

ECONOMIC BARRIERS TO INFORMATION ACCESS

An Interpretation of the LIBRARY BILL OF RIGHTS

A democracy presupposes an informed citizenry. The First Amendment mandates the right of all persons to free expression, and the corollary right to receive the constitutionally protected expression of others. The publicly supported library provides free and equal access to information for all people of the community the library serves. While the roles, goals and objective of publicly supported libraries may differ, they share this common mission.

The library's essential mission must remain the first consideration for librarians and governing bodies faced with economic pressures and competition for funding.

In support of this mission, the American Library Association has enumerated certain principles of library services in the *Library Bill of Rights*.

Principles Governing Fines, Fees and User Charges

Article I of the *Library Bill of Rights* states:

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.

Article V of the *Library Bill of Rights* states:

A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

The American Library Association opposes the charging of user fees for the provision of information by all libraries and information services that receive their major support from public funds. All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should be readily, equally and equitably accessible to all library users.

Libraries that adhere to these principles systematically monitor their programs of service for potential barriers to access and strive to eliminate such barriers when they occur. All library policies and procedures, particularly those involving fines, fees or other user charges, should care, so as not to infringe on or interfere with the provision or delivery of information and resources for all users. Services should be re-evaluated on a regular basis to ensure that the library's basic mission remains uncompromised.

Librarians and governing bodies should look for alternative models and methods of library administration that minimize distinctions among users based on their economic status or financial condition. They should resist the temptation to impose user fees to alleviate financial pressures, at a long term cost to institutional integrity and public confidence in libraries.

Library services that involve the provision of information, regardless of format, technology, or method of delivery, should be made available to all library users on an equal and equitable basis. Charging fees for the use of library collections, services, programs, or facilities that were for some members of the community because they reinforce distinctions among users based on their ability and willingness to pay.

APPENDIX H

Evaluating Library Collections:

An Interpretation of the Library Bill of Rights

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials presumed to be controversial or disapproved of by segments of the community. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles 1 and 2 of the *Library Bill of Rights*, which state:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes such "silent censorship" and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of evaluation of materials in library collections.

Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.

[ISBN 8389-5406-5]

APPENDIX I

EXPURGATION OF LIBRARY MATERIALS

An Interpretation of the Library Bill of Rights

Expurgating library materials is a violation of the *Library Bill of Rights*. Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agent, or its parent institution (if any). By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express. Such action stands in violation of Articles 1, 2, and 3 of the *Library Bill of Rights*, which state "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that

"Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that is necessary to restrict access to the complete work. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Further, expurgation without written permission from the holder of the copyright on the material may violate the copyright provisions of the United States Code.

Adopted February 2, 1973; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[[ISBN 8389-5419-7]

APPENDIX J

FREE ACCESS TO LIBRARIES FOR MINORS

An Interpretation of the LIBRARY BILL OF RIGHTS

Library policies and procedures which effectively deny minors equal access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities which fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, level of education, or legal emancipation.

The selection and development of library resources should not be diluted because of minors having the same access to library resources as adult users. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. The mission, goals, and objectives of libraries do not authorize librarians or governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents or legal guardians. Librarians and governing bodies should maintain that parents--and only parents--have the right and the responsibility to restrict the access of their children--and only their children--to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Librarians have a professional commitment to ensure that all members of the community they serve have free and equal access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, by the ALA Council.

[ISBN 8389-7549-6]

APPENDIX K

Principles Governing Conditions of Funding

Article II of the *Library Bill of Rights* states:

Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Article III of the *Library Bill of Rights* states:

Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

Article IV of the *Library Bill of Rights* states:

Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.

The American Library Association opposes any legislative or regulatory attempt to impose content restrictions on library resources, or to limit user access to information, as a condition of funding for publicly supported libraries and information services.

The First Amendment guarantee of freedom of expression is violated when the right to receive that expression is subject to arbitrary restrictions based on content. Librarians and governing bodies should examine carefully any terms or conditions attached to library funding and should oppose attempts to limit through such conditions full and equal access to information because of content. This principle applies equally to private

gifts or bequests and to public funds. In particular, librarians and governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit equal and equitable access to information.

Librarians and governing bodies should cooperate with all efforts to create a community consensus that public supported libraries require funding unfettered by restrictions. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas necessary to a functioning democracy.

The Association's historic position in this regard is stated clearly in a number of Association policies: 50.4 Free Access to Information, 50.9 Financing of Libraries, 51.2 Equal Access to Library Service, 51.3 Intellectual Freedom, 53 Intellectual Freedom Policies, 59.1 Policy Objectives, and 60 Library Services for the Poor.

Adopted by the ALA Council, June 30, 1993.

[ISBN 8389-7702-2]

APPENDIX L

RESTRICTED ACCESS TO LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the *Library Bill of Rights*.

Historically, attempts have been made to limit access by relegating materials into segregated collections. These attempts are in violation of established policy. Such collections are often referred to by a variety of names, including "closed shelf," "locked case," "adults only," "restricted shelf," or "high demand." Access to some materials also may require a monetary fee or financial deposit. More recently, some libraries have applied filtering software to their Internet stations that prevent users from finding targeted categories of information, much of which is constitutionally protected. In any situation which restricts access to certain materials, a barrier is placed between the patron and those materials. That barrier may be age related, linguistic, economic, or psychological in nature.

Because restricted materials often deal with controversial, unusual, or "sensitive" subjects, having to ask a librarian or circulation clerk for access to them may be embarrassing or inhibiting for patrons desiring the materials. Needing to ask for materials may pose a language barrier or a staff service barrier. Because restricted materials often feature information that some library patrons consider "objectionable," the potential user may be predisposed to think of the materials as "objectionable" and, therefore, are reluctant to ask for access to them.

Barriers between the materials and the patron which are psychological, or are affected by language skills, are nonetheless limitations on access to information. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication (See also "Statement on Labeling.")

There may be, however, countervailing factors to establish policies to protect library materials- specifically, for reasons of physical preservation including protection from theft or mutilation. Any such policies must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. This caution is also in keeping with ALA policies, such as "Evaluating Library Collections," "Free Access to Libraries for Minors," and the "Preservation Policy."

Finally, in keeping with the "Joint Statement on Access" of the American Library Association and Society of American Archivists, restrictions that result from donor agreements or contracts for special collections materials must be similarly circumscribed. Permanent exclusions are not acceptable. The overriding impetus must be to work for free and unfettered access to all documentary heritage.

Adopted February 2, 1973; amended July 1, 1981; July 3, 1991; July 12, 2000, by the ALA Council.

[ISBN 8389-7552-6]

APPENDIX M

STATEMENT ON LABELING

An Interpretation of the *LIBRARY BILL OF RIGHTS*

Labeling is the practice of describing or designating materials by affixing a prejudicial label and/or segregating them by a prejudicial system. The American Library Association opposes these means of predisposing people's attitudes toward library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.
2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.
3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

A variety of private organizations promulgate rating systems and/or review materials as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, or other materials. For the library to adopt or enforce any of these private systems, to attach such ratings to library materials, to include them in bibliographic records, library catalogs, or other finding aids, or otherwise to endorse them would violate the Library Bill of Rights.

While some attempts have been made to adopt these systems into law, the constitutionality of such measures is extremely questionable. If such legislation is

passed which applies within a library's jurisdiction, the library should seek competent legal advice concerning its applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or obliterating such ratings-if placed there by or with permission of the copyright holder-could constitute expurgation, which is also unacceptable.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement, however, does not exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981; June 26, 1990, by the ALA Council.

[ISBN 8389-5226-7]

APPENDIX N

THE UNIVERSAL RIGHT TO FREE EXPRESSION

An Interpretation of the Library Bill of Rights

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedoms of speech, press, religion, assembly, and association, and the corollary right to receive information.

The American Library Association endorses this principle, which is also set forth in the *Universal Declaration of Human Rights*, adopted by the United Nations General Assembly. The Preamble of this document states that "...recognition of the inherent dignity and of the, equal and inalienable rights of the all members of the human family is the foundation of freedom, justice, and peace in the world. . ." and "...the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people..."

Article 18 of this document states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive impart information and ideas through any media regardless of frontiers.

Article 20 states:

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

We affirm our belief that these are inalienable rights of every person, regardless of origin, age, background, or views. We embody our professional commitment to these principles in the *Library Bill of Rights* and *Code of Ethics*, as adopted by the American Library Association.

We maintain that these are universal principles and should be applied by libraries and librarians throughout the world. The American Library Association's policy on International Relations reflects these objectives: ". . .to encourage the exchange, dissemination, and access to information and the unrestricted flow of library materials in all formats throughout the world."

We know that censorship, ignorance, and limitations on the free flow of information are the tools of tyranny and oppression. We believe that ideas and information topple the walls of hate and fear and build bridges of cooperation and understanding far more effectively than weapons and armies.

The American Library Association is unswerving in its commitment to human rights and intellectual freedom; the two are inseparably linked and inextricably entwined. Freedom of opinion and expression is not derived from or dependent on any form of government or political power. This right is inherent in every individual. It cannot be surrendered, nor can it be denied. True justice comes from the exercise of this right.

We recognize the power of information and ideas to inspire justice, to restore freedom and dignity to the oppressed, and to change the hearts and minds of the oppressors.

Courageous men and women, in difficult and dangerous circumstances throughout human history, have demonstrated that freedom lives in the human heart and cries out for justice even in the face of threats, enslavement, imprisonment, torture, exile, and death. We draw inspiration from their example. They challenge us to remain steadfast in our most basic professional responsibility to promote and defend the right of free expression.

There is no good censorship. Any effort to restrict free expression and the free flow of information aids the oppressor. Fighting oppression with censorship is self-defeating.

Threats to the freedom of expression of any person anywhere are threats to the freedom of all people everywhere. Violations of human rights and the right of free expression have been recorded in virtually every country and society across the globe.

In response to these violations, we affirm these principles:

- The American Library Association opposes any use of governmental prerogative that leads to the intimidation of individuals which prevent them from exercising their rights to hold opinions without interference, and to seek, receive, and impart information and ideas. We urge libraries and librarians everywhere to resist such

abuse of governmental power, and to support those against whom such governmental power has been employed.

- The American Library Association condemns any governmental effort to involve libraries and librarians in restrictions on the right of any individual to hold opinions without interference, and to seek, receive, and impart information and ideas. Such restrictions pervert the function of the library and violate the professional responsibilities of librarians.
- The American Library Association reject censorship in any form. Any action which denies the inalienable human rights of individuals only damages the will to resist oppression, strengthens the hand of the oppressor, and undermines the cause of justice.
- The American Library Association will not abrogate these principles. We believe that censorship corrupts the cause of justices, and contributes the demise of freedom.

Adopted by the ALA Council, January 16, 1991

[ISBN 0-8389-7494-5]

APPENDIX 0

1970, rev. 1981, 9/87, 1/01

CONFIDENTIAL

**HAWAII STATE PUBLIC LIBRARY SYSTEM
PATRON REQUEST FOR REEVALUATION OF LIBRARY MATERIAL**

D
a
t
e
:

Author: Type of Material:

Title:

Publisher:

Reevaluation requested by:

Telephone:_Address:

City:_State: Zip:

Requester represents:

Self:

Organization (Name):

Other group (Identify):

1. How did you learn about the material in question?
2. How much of this material did you read/examine?
3. Have you read any reviews of the material? If "yes", please indicate the name of the reviewer and/or the publication in which it appeared.
4. What do you believe is the theme of the material?
5. To what in the material do you object? (Please be specific, cite pages.)
6. What do you feel might be the result of reading, seeing or listening to this material?
7. Is it suitable for some age groups?
8. Is there anything worthwhile in the material?
9. What would you like us to do about the material?
10. What substitute would you recommend to replace the material?

POLICY 600.2**HAWAII STATE PUBLIC LIBRARY SYSTEM BUDGETS****POLICY**

The establishment of budget priorities is one of the primary ways in which the Board of Education (Board) articulates its policies to the Hawaii State Public Library System (HSPLS). Those priorities are articulated through approval of the biennial and supplemental budgets that specify how, where, and in what amount funds are to be expended.

Any HSPLS proposal to make adjustments in the operating budget and Capital Improvements Program budget shall require prior approval of the Board and shall include, but shall not be limited to, justification on the:

- Detailed description by cost element and the means of financing of positions, equipment, or other current expenses being requested;
- Fiscal impact of partial or zero funding for the request;
- Impact on public satisfaction and facility requirements;
- Impact on other state programs and agencies;
- Strategic goals supported;
- Measurable deliverables; and
- Identification of resources currently being used to address the problem or funding shortfall

Determination of the merits of budget adjustments shall be based on whether the adjustments address Board and HSPLS goals, objectives, and standards.

Budget requests for funding and staff increases shall be evaluated on the basis of the justifications, evaluations, pertinent data, and reports provided and consistent with Board approved goals, objectives, and policies for HSPLS.

Approved: 09/06/07

POLICY 600.3**HAWAII STATE PUBLIC LIBRARY SYSTEM
SAFE WORKPLACE****POLICY**

The Hawaii State Public Library System is responsible for providing a safe and harmonious workplace. All employees are responsible for maintaining a safe and harmonious work environment. Workplace violence will not be tolerated under any circumstances and may result in disciplinary action, up to and including termination. Employees shall report all suspected or potential incidents of workplace violence to their supervisors. Supervisors shall process all reported or observed incidents in accordance with any applicable statute, policy, rule, regulation, program requirement, or contract agreement.

Workplace violence includes but is not limited to acts involving physical attack, property damage, as well as verbal statements that a reasonable person would perceive as expressing or suggesting intent to cause physical or mental harm to another person. Examples of violent behaviors include but are not limited to hitting, pushing, or shoving; throwing or breaking of an object; shouting or yelling, threatening gestures or remarks; disruptive or hostile actions; abusive or belligerent language; sabotage of equipment; repetitive unwanted phone calls, notes, e-mails; or other similar acts.

Approved: 12/06/07

POLICY 600.4**NAMING OF HAWAII STATE PUBLIC LIBRARY FACILITIES****~~POLICY~~**

All new Hawaii State Public Library facilities shall be named by, or the names shall be approved by the State Board of Education.

The names of all new Hawaii State public library facilities shall represent the geographic area where the facility is situated or located.

REGULATIONS**A. Naming of New Public Library Facilities**

1. The State Librarian shall recommend a name for any new public library facility. The recommendation shall be submitted to the State Board of Education Committee on Public Libraries for review and to the full Board of Education for final approval.
2. Public library facilities shall be named solely for the geographic area where the facility is situated or located.
3. Dual geographic area names (i.e. Salt Lake - Moanalua Public Library) shall be discouraged.
4. Whenever possible, libraries shall be named for the specific city or district where they are situated which is identified with the U.S. Postal Service ZIP Code for the location.

B. Naming of Rooms and Sections Within Library Facilities

1. A room or section within any library facility may be named for past distinguished staff, donors of library facilities, donors of substantial sums of money to the benefit of the Hawaii State Public Library System, or for any other person for meritorious reason.
2. Proposals for naming of rooms or sections at library facilities shall be forwarded to the State Librarian for review. The State Librarian shall review and discuss the proposal with the staff of the affected library facility, and when appropriate, with representatives of the community where the facility is located.
3. The State Librarian shall inform the Board of Education Committee on Public Libraries of the proposed naming of a room or section, and of his recommendation regarding the proposal. After review by the Committee, the proposal shall be submitted with their recommendations to the full Board of Education for final approval.

POLICY 600.5**HAWAII STATE PUBLIC LIBRARY SYSTEM INTERNET ACCEPTABLE USE
POLICY**

The mission of the Hawaii State Public Library System (HSPLS) is to provide Hawaii's residents, in all walks of life, and at each stage of their lives, with access to education, information, programs, and services, and to teach and nurture the love of reading and the habit of life-long learning.

HSPLS provides access to authoritative online resources via the Internet as part of this mission. The Internet is a worldwide computer network that links users to a massive body of information. The resources that are available via the Internet can expand the libraries' information services well beyond their physical collections.

The Internet is, however, unstructured and unregulated. Users should be aware that the content on the Internet may not necessarily be verified as accurate, current, appropriate, or legal, and that users are solely and personally responsible for their use of this resource.

HSPLS attempts to balance library security and available resources with customer privacy and access. Library staff can advise customers about the risks, as well as the benefits, of online resources and interactions, and will encourage the safe and wise use of these information alternatives. Library staff can recommend resources that have been found to be reliable and authoritative as well as information about how to evaluate content.

Responsibilities of the Hawaii State Public Library System

HSPLS will comply with provisions of State of Hawaii and federal law as they apply to the use of library computers and access to information through the Internet.

HSPLS seeks to protect the First Amendment rights of its customers and their individual right to privacy. HSPLS maintains customers' records in accordance with the responsible management of the library system's collections and services. HSPLS avoids collecting or retaining records that could unnecessarily compromise the privacy of its customers.

HSPLS's Internet computers, network, and facility space are limited. HSPLS's objective is to maximize online resources and, to that end, HSPLS has developed Internet guidelines to allow fair access to the many users who want to use these resources.

Library employees are authorized to take prompt and appropriate actions to enforce this Board of Education Policy, the HSPLS Internet Use Guidelines, and/or other provisions of the HSPLS Administrative Rules, as stated or implied herein.

Responsibilities of Library Customers

It is the individual user's responsibility to demonstrate good judgment, respect for others, and appropriate conduct while using the public library and its resources, including use of Internet resources.

Internet computers are in public areas in HSPLS libraries. By agreeing to the HSPLS Internet Use Guidelines at the beginning of each session, users accept responsibility and acknowledge that some sites may reasonably be deemed offensive to other library customers, and that images on the screen may be viewed by a wide audience. Not all content on the Internet is appropriate for viewing by all library customers. Library users may be asked to discontinue accessing sites or engaging in other Internet behavior that others may find inappropriate.

A work protected by copyright law may not be copied without permission of the copyright owner unless the proposed use falls within the definition of "fair use." Customers are responsible for compliance with all state, national, and international laws governing copyrighted materials.

| Prohibited behavior includes the use of library computers

Policy E-700
Charter Schools

Policy: The Charter Schools shall operate in compliance with federal and state laws and regulations, the Hawaii State Public Charter School Commission regulations, procedures and processes, the charter school's respective charter contract, and applicable Board of Education policies.

Rationale: Charter schools are organized and operated as mandated by law and directed by the Hawaii State Public Charter School Commission, with oversight by the Board of Education.

POLICY 700.1**BOARD APPOINTMENT OF
CHARTER SCHOOL REVIEW PANEL MEMBERS****POLICY**

State law assigns the Board of Education (Board) with the responsibility to appoint the members of the Charter School Review Panel (Panel), which serves as the charter authorizer for charter schools. The Panel consists of twelve members that includes:

- Two licensed teachers regularly engaged in teaching, of which one teacher is employed at a start-up charter school and one teacher is employed at a conversion charter school;
- Two educational officers, of which one educational officer is employed at a start-up charter school and one educational officer is employed at a conversion charter school;
- One member or former member of a charter school local school board;
- The Board Chair or the Board Chair's designee;
- A representative of Hawaiian culture-focused charter schools;
- Two representatives of the University of Hawaii who are not affiliated with charter schools;
- One member with a background in business or accounting who is not affiliated with charter schools;
- One member with a background in the building trades or real estate who is not affiliated with charter schools; and
- A representative from the Hawaii Association of Independent Schools.

Panel members must:

- Meet their respective Panel-member eligibility requirements and position designations;
- Participate as a full voting Panel member in Panel discussions;
- Devote the time and energy necessary to fulfill their duties and responsibilities as a Panel member;
- Be willing and able to attend a minimum of at least two meetings per month;
- Understand and fulfill the duties and responsibilities, as specified in state law, as a quality charter authorizer for charter schools;
- Attend State Ethics Commission training; and
- Adhere to all other applicable state laws.

To implement this policy, the Board Executive Director shall: (1) establish procedures to identify potential Panel applicants who meet the provisions in this policy; and (2) submit qualified Panel applicants to the Board for its consideration and action.

Approved: 04/02/09

POLICY 700.2**CHARTER SCHOOLS APPEALS****POLICY**

The purpose of this policy is for the Board of Education (Board) to fulfill its role as an appeals body in order to implement the charter school law. This policy is reserved for applicants who are appealing the decisions of the Charter School Review Panel (Panel) to the Board in denying the approval of a charter school application, revoking a charter school's charter, or denying the approval of an amendment to a charter school's Detailed Implementation Plan. Appeals must be received by the Board within 21 days of the receipt of the notification of the Panel's decision.

Appeals must be made in writing and shall be considered by the Board or a committee of Board members designated by the Board. The appellants shall provide copies for each Board member of the following information in the written appeal:

- A copy of the charter application, if applicable;
- Identification of the specific portions of the decision being appealed; and
- The basis upon which the appellants believe the decision to be wrong.

The Panel shall submit to the Board, the entire file of the applicant or charter school. The file shall include everything relating to the application, of which the file must include at least the following written documentation:

- The written grounds for the decision by the Panel; and
- Any written correspondence, documents, or reports considered by the Panel in the decision.

The Board shall provide an opportunity for the appellants to address the Board at an open meeting. Appellants will have 10 minutes to present oral arguments to the Board and Board members will be provided an opportunity to ask questions.

The Board shall render a final written decision within 60 days of the filing of the appeal.

With respect to such written decisions, the Board may take the following action:

- Affirm the decision of the Panel;
- Reverse the decision of the Panel; or
- Remand the matter back to the Panel for further consideration consistent with the Board's decision.

The Board's written decision shall be final.

Approved: 06/21/07; Amended: 04/16/09

Policy E-800
ADULT EDUCATION

POLICY

The Department of Education shall provide an adult education program as an integral part of public education in Hawaii. The adult education program shall be planned cooperatively with the University of Hawaii, College of Continuing Education and the various Community Colleges, affording opportunities for continuing education to every adult in the state.

Former Code Nos. 6300 Adult Education
6331 Workbooks for Adult Education Classes

Former Policy Approved: 6300 5/61
6301 3/60; Am. 7/60; deleted as necessary

Former Regulation Approved: 6331 3/60; deleted as unnecessary

Approved: 10/70; Amended: 3/88

POLICY 800.1

CONTENT STANDARDS FOR ADULT COMMUNITY SCHOOLS

~~POLICY~~

The Community School for Adults shall implement the *Equipped for the Future* Content Standards for Adults developed by the National Institute for Literacy. The sixteen Content Standards enable learners to fulfill their roles as parents, citizens, and workers by focusing on student acquisition of:

- Communication Skills;
- Decision-making Skills;
- Interpersonal Skills; and
- Lifelong Learning Skills.

The Community Schools for Adults shall use these standards to:

- Assure a purposeful approach to education where students use the standards to clarify their purposes for learning and identify the skills and knowledge necessary to achieve their goals, and where teachers structure an on-going goal-setting/needs assessment dialogue with students;
- Provide students opportunities to learn and practice skills in real life contexts;
- Encourage students to reflect on prior knowledge and develop more complex ways of constructing meaning and understanding experiences; and
- Assess students' learning progress and measure results using the *Equipped for the Future*.

The implementation of the standards shall be accompanied by an alignment of the Community School for Adults education program and system practices, including curriculum, instruction, assessment, and reporting.

The Department of Education shall develop and implement a plan to regularly assess the effectiveness of the Community School for Adults Program, including implementation of the content standards.

Approved: 01/10/02

Legal Requirements, Implementation and Limitation

Policy: The Board of Education (Board), Department of Education (Department), Hawaii State Public Library system (Library System), and the Hawaii State Public Charter School Commission's administration and staff shall not violate applicable law, statute, policy or procedure of the federal government of the United States, the State of Hawai'i, the Board or the Department.

Rationale: The Board, the Department, the Library System and the Charter School Commission will operate most effectively and efficiently if their policies, practices and procedures are within the boundaries of professional best practices established by legal, ethical, and professional standards.

POLICY 900.1**DEPARTMENT OF EDUCATION****APPLICANT AND EMPLOYEE NON-DISCRIMINATION****POLICY**

The Department of Education strictly prohibits any form of discrimination, including harassment based on a person's membership in a protected class. Protected classes covered by this policy include race, color, sex, religion, national origin, ancestry, age, physical or mental disability, sexual orientation, marital status, arrest and court record¹, income assignment for child support, national guard absence, uniformed service, breastfeeding, or citizenship status.

The Department of Education expressly prohibits retaliation against anyone engaging in protected activity. Protected activity is defined as anyone who files a complaint of discrimination, participates in complaint proceedings dealing with discrimination, inquires about their rights under discrimination laws, or otherwise opposes acts of discrimination.

The Department of Education shall develop regulations and procedures relating to this policy.

¹ Except as permissible under State laws.

Approved: 09-01-05

POLICY 900.2**COPYRIGHT****~~POLICY~~**

All Department of Education employees, school volunteers and students shall comply with the United States Copyright Law (Title 17 U.S. Code Section 101, *et. Seq.*). No department employee, school volunteer or student may duplicate or perform copyrighted works unless expressly authorized by Sections 107 through 121 of Title 17 U.S. Code or written permission is granted by the copyright owner.

Approved: 9/97

POLICY 900.3**RELIGION AND PUBLIC SCHOOLS
POLICY**

Hawaii's public schools shall neither inculcate nor inhibit religion. Religion and religious convictions must be treated with fairness and respect. The First Amendment is upheld when the religious rights of students are protected, but religion is not promoted by public schools.

No religious instruction shall be given in any public school by any employee of the Department of Education during the regular school day. Teaching about religion shall be permitted where it is a natural part of the curriculum to study the history of religion, the role of religion in the history of the United States and other countries, and the religious influence on the art, music, literature, and social customs of various cultures. Discussion, examination, and reinforcement of values, ethics, and morals commonly shared in this pluralistic society shall be expected of every teacher when such opportunities arise.

Prayer and other religious observances shall not be organized or sponsored by schools and the administrative and support units of the public school system, especially where students are in attendance or can observe the activities.

Students may engage in voluntary, student-initiated religious activities and discussion as long as their behavior is neither disruptive nor coercive. Secondary students may meet in school during non-instructional time to pray, read religious materials, discuss their faith, and invite other students to join their religious group if the school establishes a limited open forum for one or more student-initiated groups.

Former Code No.6122.81

Policy Approved: 1947

Amended: 7/60, 11/60, 5/66, 10/70, 3/88, 01/99

POLICY 900.4**GENDER EQUITY IN EDUCATION****~~POLICY~~**

The Board of Education fully recognizes that gender equity extends the doctrine of fairness to all areas of activity in the public school system. It is motivated by a sense of moral responsibility in addition to the duty to comply with the legal requirements of non-discrimination. Title IX of the Education Amendments of 1972, as amended, is a landmark legislation that must be implemented as a moral and legal responsibility of the Department of Education.

No person, on the basis of sex, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the Department of Education. To achieve the goal of gender equity in education, all programs and activities conducted by the Department of Education shall comply with Title IX of the Education Amendments of 1972 and the Title IX regulations promulgated by the Office for Civil Rights, U.S. Department of Education, including the Title IX policy interpretation and guidance applicable to athletic programs. Title IX shall be the gender equity standard which shall provide all students with an equal opportunity to participate in and benefit from the programs and activities of the Department of Education.

Approved: December 13, 2001

POLICY 900.5**RIGHTS OF STUDENTS WHO ARE
DEAF, HARD-OF-HEARING, OR DEAF-BLIND
POLICY**

The Board of Education is committed to providing quality educational opportunities for all students with disabilities, including those who are deaf, hard-of-hearing, and deaf-blind. This commitment includes ensuring instructional programming that safeguards the following rights for students who are deaf, hard-of-hearing, and deaf-blind:

1. The right to qualified teachers, interpreters, support services staff, and resource personnel who can communicate effectively with the child using the child's own mode of communication, be it (a) a signed system based on English Code; (b) American Sign Language; (c) an oral system; or (d) a simultaneous communication system as determined with appropriate diagnostic information, consideration of the student's learning style, and collaboration with the student's educational planning team, including parents and guardians;
2. The right to associate with peers, including age, cognitive, and language appropriate peers;
3. The right to exposure to adult role models who are deaf, hard-of-hearing, or deaf-blind;
4. The right to have American Sign Language as one of the academic subjects in their educational curriculum when the child's identified primary language is considered to be American Sign Language;
5. The right to appropriate screening and assessment of hearing and vision capabilities and communication and language needs at the earliest possible age, and to continuing screening services throughout the child's educational experience;
6. The right to early intervention to facilitate the acquisition of a solid language base or bases to be developed at the earliest possible age;
7. The right to their parents' or guardians' full, informed participation in their educational planning;

8. The right to individual consideration for free and appropriate public education across a full spectrum of educational programs;

9. The right to placement that is best suited to the child's individual needs including but not limited to social, emotional, cultural needs, age, hearing loss, visual acuity, academic level, mode of communication, style of learning, and motivational and family support;

10. The right to equal access to all academic programs in their educational settings and supplemented with necessary and appropriate support services; and

11. The right to equal access to all school-supported non-academic extracurricular and athletic programs supplemented with necessary and appropriate support services.

Approved: 1/22/98

POLICY 900.6**STUDENT RIGHTS AND DUE PROCESS
~~POLICY~~**

Students in the public schools of Hawaii shall be accorded the rights of personal and academic freedom guaranteed to them as citizens of our state and country.

Approved: 10/70; Amended: 3/88 (renumbered)