

**HAWAII ADMINISTRATIVE RULES**

TITLE 8 DEPARTMENT OF EDUCATION

SUBTITLE 1 RULES OF PRACTICE AND PROCEDURE

CHAPTER 5

PUBLIC ACCESS TO INFORMATION

**§8-5-1 Philosophy.** In order to establish education and public library services as an integrated, cooperative enterprise, administrators, teachers and other department personnel shall promote a climate of open two-way communication with the public, excluding matters proscribed by federal or state laws or union-management agreements. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-2 Purpose.** This chapter sets forth a description of methods whereby the public may obtain information pertaining to public education and public library services in Hawaii, to express views or submit suggestions, concerns or complaints to the department. [Eff. AUG 22, 1983 ] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-3 Definitions.** As used in this chapter, unless the context indicates otherwise:

"Board" means the board of education.

"Department" means the department of education.

"Information" means data pertaining to the rules, policies, regulations, procedures, programs and structure of the department. It is inclusive of public records, minutes, and publications as defined by State law.

"Public" means any individual, agency or organization desiring information relative to public education in Hawaii or wishing to express views or submit suggestions, concerns or complaints pertaining to public education.

"Public education" means all programs of instruction throughout the State of Hawaii administered by the superintendent of education in accordance with policies adopted by the board pursuant to State law.

"Public library system" means all programs throughout the State of Hawaii administered by the state librarian in accordance with policies adopted by the

board pursuant to State law. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 92-9, 93-2, 302A-1112)

**§8-5-4 Exclusions and limitations.** The term "information" excludes the following:

- (1) Education records as defined by section 8-34-3(d);
- (2) Data subject to federal or state laws insuring the right of privacy for students, teachers, administrators or other department personnel;
- (3) Data pertaining to an action or proceeding involving litigation;
- (4) Collective bargaining matters proscribed by law or union-management agreements; and
- (5) Data excluded under the provisions of the fair information practice act. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-5 Responsible agents.**

(a) At the local level, requests for information or submitted suggestions, concerns or complaints pertaining to a specific public school or public library shall be directed to the principal or vice principal of the respective school or to the established school-community council serving that school, or the head librarian of the respective public library.

(b) At the district level, requests for information or submitted suggestions, concerns or complaints pertaining to the procedures, programs or administration of schools or public libraries within a specific district shall be directed to the district superintendent or the district school advisory council serving the respective district, or the library district administrator or the library advisory commission of the respective county.

(c) At the state level, requests for information or submitted suggestions, concerns or complaints pertaining to statewide rules, policies, regulations, procedures, programs, or administration of the department shall be directed to the office of the superintendent, public relations branch, or the state librarian in the case of the public library system.

(d) Requests for information or submitted suggestions, concerns, or complaints pertaining to the administration and procedures of specific offices, branches or sections of the department shall be directed to the appropriate officer

having jurisdiction over the offices, branches or sections. [Eff. AUG 22, 1983]  
(Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-6 General procedure.** Requests for information or submittal of concerns relating to public education or public libraries in Hawaii may be made by telephone, correspondence, at meetings, or by personal visit. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-7 Appeal procedures.**

(a) Requests or concerns not satisfactorily addressed at the local level shall be directed to the district office in which the school or public library is located.

(b) Requests or concerns not satisfactorily addressed at the district level shall be directed to the office of the superintendent, public relations branch, or the state librarian in the case of the public library system.

(c) These procedures do not exclude the right of an individual, agency, or organization to petition the board directly on any matter relating to public education or public libraries in Hawaii under practices and procedures established by the board. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-8 Time limits.**

(a) Requests for information or submit suggestions, concerns or complaints relating to local or district level matters, and requiring coordination with other schools or public libraries, districts, or agencies, shall be addressed within three working days.

(b) Requests for general information shall be answered within the same working day whenever possible.

(c) If more time is required to adequately respond to the request or the concern, the requestor shall be so notified and a mutually reasonable time shall be determined for reply. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

**§8-5-9 News releases.**

(a) News releases on matters relating to board actions, statewide departmental policies, and related information shall be issued by the superintendent or a designee, or the state librarian or a designee.

(b) The district administrators, school principals, head librarians, or designees may release information related to their activities.

(c) Local, district and state offices may release routine factual or statistical data and news stories directly to the media. These authorizations do not apply where there is a necessity for restricting premature disclosure of information which might prejudice the orderly and responsible conduct of government. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 302A-1112)

#### **§8-5-10 Availability of materials.**

(a) Department rules, policies, and regulations are available in all public libraries, public schools and all major offices of the department. Copies can be examined and reproduced during established working hours.

(b) Minutes of board proceedings and official documents are available for inspection in the office of the board, the office of the superintendent, the office of the state librarian, and are supplied by the state publications distribution center to all public libraries. They may be examined and reproduced during established working hours under procedures set by the board.

(c) Publications that include documents, compilations, journals, reports, statutes, regulations and ordinances pertaining to public education and the public library system are available through the state publications distribution center.

(d) Public records shall be available for inspection at the respective offices having jurisdiction during established working hours. [Eff. AUG 22, 1983 ] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 92-9, 93-11, 302A-1112)

#### **§8-5-11 Fees.**

(a) Any person applying for a copy of a public document or record open to inspection by the public shall be charged 25 cents per page.

(b) In the case of general informational materials that are produced for distribution to the public at no charge, certain fees designated by State law shall be waived. [Eff. AUG 22, 1983; am AUG 23, 2019] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 92-21, 302A-1112)

**§8-5-12 Recordkeeping**. Requests from the public for general information need not be recorded, although requests received by correspondence shall be retained with a copy of the reply. Disposal of public records shall be carried out in compliance with procedures set forth by State law. [Eff. AUG 22, 1983] (Auth: HRS §302A-1112) (Imp: HRS §§91-2(1), 94-3, 302A-1112)